

**§ 8707. Petition and review****(a) Petition****(1) In general**

A person subject to an order issued under this chapter may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order, is not established in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

**(2) Hearing**

The Secretary shall give the petitioner an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.

**(3) Ruling**

After the hearing, the Secretary shall make a ruling on the petition. The ruling shall be final, subject to review as set forth in subsection (b).

**(4) Limitation on petition**

Any petition filed under this subsection challenging an order, any provision of the order, or any obligation imposed in connection with the order, shall be filed not less than 2 years after the effective date of the order, provision, or obligation subject to challenge in the petition.

**(b) Review****(1) Commencement of action**

The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or conducts business shall have jurisdiction to review the ruling of the Secretary on the petition of the person, if a complaint requesting the review is filed no later than 30 days after the date of the entry of the ruling by the Secretary.

**(2) Process**

Service of process in proceedings under this subsection shall be conducted in accordance with the Federal Rules of Civil Procedure.

**(3) Remands**

If the court in a proceeding under this subsection determines that the ruling of the Secretary on the petition of the person is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

**(c) Enforcement**

The pendency of proceedings instituted under this section shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief under section 8708 of this title.

(Pub. L. 115–254, div. E, §1308, Oct. 5, 2018, 132 Stat. 3480.)

**§ 8708. Enforcement****(a) Jurisdiction**

A district court of the United States shall have jurisdiction to enforce, and to prevent and

restrain any person from violating, this chapter or an order or regulation issued by the Secretary under this chapter.

**(b) Referral to Attorney General**

A civil action authorized to be brought under this section shall be referred to the Attorney General of the United States for appropriate action.

**(c) Civil penalties and orders****(1) Civil penalties**

A person who willfully violates an order or regulation issued by the Secretary under this chapter may be assessed by the Secretary a civil penalty of not more than \$5,000 for each violation.

**(2) Separate offense**

Each violation and each day during which there is a failure to comply with an order or regulation issued by the Secretary shall be considered to be a separate offense.

**(3) Cease-and-desist orders**

In addition to, or in lieu of, a civil penalty, the Secretary may issue an order requiring a person to cease and desist from violating the order or regulation.

**(4) Notice and hearing**

No order assessing a penalty or cease-and-desist order may be issued by the Secretary under this subsection unless the Secretary provides notice and an opportunity for a hearing on the record with respect to the violation.

**(5) Finality**

An order assessing a penalty or a cease-and-desist order issued under this subsection by the Secretary shall be final and conclusive unless the person against whom the order is issued files an appeal from the order with the appropriate district court of the United States.

**(d) Additional remedies**

The remedies provided in this chapter shall be in addition to, and not exclusive of, other remedies that may be available.

(Pub. L. 115–254, div. E, §1309, Oct. 5, 2018, 132 Stat. 3481.)

**§ 8709. Investigation and power to subpoena****(a) Investigations**

The Secretary may conduct such investigations as the Secretary considers necessary for the effective administration of this chapter, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this chapter or any order or regulation issued under this chapter.

**(b) Subpoenas, oaths, and affirmations****(1) Investigations**

For the purpose of conducting an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The production of the records may be required from any place in the United States.

**(2) Administrative hearings**

For the purpose of an administrative hearing held under section 8707(a)(2) of this title or section 8708(c)(4) of this title, the presiding officer may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of the records may be required from any place in the United States.

**(c) Aid of courts****(1) In general**

In the case of contumacy by, or refusal to obey a subpoena issued under subsection (b) to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is conducted, or where the person resides or conducts business, in order to enforce a subpoena issued under subsection (b).

**(2) Order**

The court may issue an order requiring the person referred to in paragraph (1) to comply with a subpoena referred to in paragraph (1).

**(3) Failure to obey**

Any failure to obey the order of the court may be punished by the court as a contempt of court.

**(4) Process**

Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or conducts business, or wherever the person may be found.

(Pub. L. 115-254, div. E, §1310, Oct. 5, 2018, 132 Stat. 3482.)

**§ 8710. Suspension or termination****(a) Mandatory suspension or termination**

The Secretary shall suspend or terminate an order or a provision of an order if the Secretary finds that an order or provision of an order obstructs or does not tend to effectuate the purpose of this chapter, or if the Secretary determines that the order or a provision of an order is not favored by a majority of all votes cast in the referendum as provided in section 8706(a)(2) of this title.

**(b) Implementation of suspension or termination**

If, as a result of a referendum conducted under section 8706 of this title, the Secretary determines that the order is not approved, the Secretary shall—

(1) not later than 180 days after making the determination, suspend or terminate, as the case may be, collection of assessments under the order; and

(2) as soon as practicable, suspend or terminate, as the case may be, activities under the order in an orderly manner.

(Pub. L. 115-254, div. E, §1311, Oct. 5, 2018, 132 Stat. 3482.)

**§ 8711. Amendments to orders**

The provisions of this chapter applicable to the order shall be applicable to any amendment

to the order, except that section 8707 of this title shall not apply to an amendment.

(Pub. L. 115-254, div. E, §1312, Oct. 5, 2018, 132 Stat. 3483.)

**§ 8712. Effect on other laws**

This chapter shall not affect or preempt any other Federal or State law authorizing research, education, and promotion relating to concrete masonry products.

(Pub. L. 115-254, div. E, §1313, Oct. 5, 2018, 132 Stat. 3483.)

**§ 8713. Regulations**

The Secretary may issue such regulations as may be necessary to carry out this chapter and the power vested in the Secretary under this chapter.

(Pub. L. 115-254, div. E, §1314, Oct. 5, 2018, 132 Stat. 3483.)

**§ 8714. Limitation on expenditures for administrative expenses**

Funds appropriated to carry out this chapter may not be used for the payment of the expenses or expenditures of the Board in administering the order.

(Pub. L. 115-254, div. E, §1315, Oct. 5, 2018, 132 Stat. 3483.)

**§ 8715. Limitations on obligation of funds****(a) In general**

In each fiscal year of the covered period, the Board may not obligate an amount greater than the sum of—

(1) 73 percent of the amount of assessments estimated to be collected under section 8705 of this title in such fiscal year;

(2) 73 percent of the amount of assessments actually collected under section 8705 of this title in the most recent fiscal year for which an audit report has been submitted under section 8704(f)(2)(B) of this title as of the beginning of the fiscal year for which the amount that may be obligated is being determined, less the estimate made pursuant to paragraph (1) for such most recent fiscal year; and

(3) amounts permitted in preceding fiscal years to be obligated pursuant to this subsection that have not been obligated.

**(b) Excess amounts deposited in escrow account**

Assessments collected under section 8705 of this title in excess of the amount permitted to be obligated under subsection (a) in a fiscal year shall be deposited in an escrow account for the duration of the covered period.

**(c) Treatment of amounts in escrow account**

During the covered period, the Board may not obligate, expend, or borrow against amounts required under subsection (b) to be deposited in the escrow account. Any interest earned on such amounts shall be deposited in the escrow account and shall be unavailable for obligation for the duration of the covered period.

**(d) Release of amounts in escrow account**

After the covered period, the Board may withdraw and obligate in any fiscal year an amount