

(11) Machine cavities in operation

The term “machine cavities in operation” means those machine cavities associated with a block machine that have produced concrete masonry units within the last 6 months of the date set for determining eligibility and is fully operable and capable of producing concrete masonry units.

(12) Manufacturer

The term “manufacturer” means any person engaged in the manufacturing of commercial concrete masonry products in the United States.

(13) Masonry unit

The term “masonry unit” means a non-combustible building product intended to be laid by hand or joined using mortar, grout, surface bonding, post-tensioning or some combination of these methods.

(14) Order

The term “order” means an order issued under section 8703 of this title.

(15) Person

The term “person” means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(16) Promotion

The term “promotion” means any action, including paid advertising, to advance the image and desirability of concrete masonry products with the express intent of improving the competitive position and stimulating sales of concrete masonry products in the marketplace.

(17) Research

The term “research” means studies testing the effectiveness of market development and promotion efforts, studies relating to the improvement of concrete masonry products and new product development, and studies documenting the performance of concrete masonry.

(18) Secretary

The term “Secretary” means the Secretary of Commerce.

(19) United States

The term “United States” means the several States and the District of Columbia.

(Pub. L. 115–254, div. E, §1303, Oct. 5, 2018, 132 Stat. 3469.)

§ 8703. Issuance of orders**(a) In general****(1) Issuance**

The Secretary, subject to the procedures provided in subsection (b), shall issue orders under this chapter applicable to manufacturers of concrete masonry products.

(2) Scope

Any order shall be national in scope.

(3) One order

Not more than 1 order shall be in effect at any one time.

(b) Procedures**(1) Development or receipt of proposed order**

A proposed order with respect to the generic research, education, and promotion with regards to concrete masonry products may be—

(A) proposed by the Secretary at any time;

or

(B) requested by or submitted to the Secretary by—

(i) an existing national organization of concrete masonry product manufacturers;

or

(ii) any person that may be affected by the issuance of an order.

(2) Publication of proposed order

If the Secretary determines that a proposed order received in accordance with paragraph (1)(B) is consistent with and will effectuate the purpose of this chapter, the Secretary shall publish such proposed order in the Federal Register not later than 90 days after receiving the order, and give not less than 30 days notice and opportunity for public comment on the proposed order.

(3) Issuance of order**(A) In general**

After notice and opportunity for public comment are provided in accordance with paragraph (2), the Secretary shall issue the order, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order is in conformity with this chapter.

(B) Effective date

If there is an affirmative vote in a referendum as provided in section 8706 of this title, the Secretary shall issue the order and such order shall be effective not later than 140 days after publication of the proposed order.

(c) Amendments

The Secretary may, from time to time, amend an order. The provisions of this chapter applicable to an order shall be applicable to any amendment to an order.

(Pub. L. 115–254, div. E, §1304, Oct. 5, 2018, 132 Stat. 3471.)

§ 8704. Required terms in orders**(a) In general**

Any order issued under this chapter shall contain the terms and provisions specified in this section.

(b) Concrete Masonry Products Board**(1) Establishment and membership****(A) Establishment**

The order shall provide for the establishment of a Concrete Masonry Products Board to carry out a program of generic promotion, research, and education regarding concrete masonry products.

(B) Membership**(i) Number of members**

The Board shall consist of not fewer than 15 and not more than 25 members.