

(A) means a concrete masonry product that is a manmade masonry unit having an actual width of 3 inches or greater and manufactured from dry-cast concrete using a block machine; and

(B) includes concrete block and related concrete units used in masonry applications.

(6) Conflict of interest

The term “conflict of interest” means, with respect to a member or employee of the Board, a situation in which such member or employee has a direct or indirect financial or other interest in a person that performs a service for, or enters into a contract with, for anything of economic value.

(7) Department

The term “Department” means the Department of Commerce.

(8) Dry-cast concrete

The term “dry-cast concrete” means a composite material that is composed essentially of aggregates embedded in a binding medium composed of a mixture of cementitious materials (including hydraulic cement, pozzolans, or other cementitious materials) and water of such a consistency to maintain its shape after forming in a block machine.

(9) Education

The term “education” means programs that will educate or communicate the benefits of concrete masonry products in safe and environmentally sustainable development, advancements in concrete masonry product technology and development, and other information and programs designed to generate increased demand for commercial, residential, multifamily, and institutional projects using concrete masonry products and to generally enhance the image of concrete masonry products.

(10) Machine cavities

The term “machine cavities” means the cavities with which a block machine could be equipped.

(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.

(ii) Appointment

The members of the Board shall be appointed by the Secretary from nominations submitted as provided in the order.

(iii) Composition

The Board shall consist of manufacturers. No employee of an industry trade organization exempt from tax under paragraph (3) or (6) of section 501(c) of title 26 representing the concrete masonry industry or related industries shall serve as a member of the Board and no member of the Board may serve concurrently as an officer of the board of directors of a national concrete masonry products industry trade association. Only 2 individuals from any single company or its affiliates may serve on the Board at any one time.

(2) Distribution of appointments**(A) Representation**

To ensure fair and equitable representation of the concrete masonry products indus-

try, the composition of the Board shall reflect the geographical distribution of the manufacture of concrete masonry products in the United States, the types of concrete masonry products manufactured, and the range in size of manufacturers in the United States.

(B) Adjustment in Board representation

Three years after the assessment of concrete masonry products commences pursuant to an order, and at the end of each 3-year period thereafter, the Board, subject to the review and approval of the Secretary, shall, if warranted, recommend to the Secretary the reapportionment of the Board membership to reflect changes in the geographical distribution of the manufacture of concrete masonry products and the types of concrete masonry products manufactured.

(3) Nominations process

The Secretary may make appointments from nominations by manufacturers pursuant to the method set forth in the order.

(4) Failure to appoint

If the Secretary fails to make an appointment to the Board within 60 days of receiving nominations for such appointment, the first nominee for such appointment shall be deemed appointed, unless the Secretary provides reasonable justification for the delay to the Board and to Congress and provides a reasonable date by which approval or disapproval will be made.

(5) Alternates

The order shall provide for the selection of alternate members of the Board by the Secretary in accordance with procedures specified in the order.

(6) Terms**(A) In general**

The members and any alternates of the Board shall each serve for a term of 3 years, except that members and any alternates initially appointed to the Board shall serve for terms of not more than 2, 3, and 4 years, as specified by the order.

(B) Limitation on consecutive terms

A member or an alternate may serve not more than 2 consecutive terms.

(C) Continuation of term

Notwithstanding subparagraph (B), each member or alternate shall continue to serve until a successor is appointed by the Secretary.

(D) Vacancies

A vacancy arising before the expiration of a term of office of an incumbent member or alternate of the Board shall be filled in a manner provided for in the order.

(7) Disqualification from Board service

The order shall provide that if a member or alternate of the Board who was appointed as a manufacturer ceases to qualify as a manufacturer, such member or alternate shall be disqualified from serving on the Board.