

(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 ob-

structs 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 sec-

tion 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 in the escrow account that does not exceed $\frac{1}{5}$ of the amount in the escrow account on the last day of the covered period.

(e) Special rule for estimates for particular fiscal years

(1) Rule

For purposes of subsection (a)(1), the amount of assessments estimated to be collected under section 8705 of this title in a fiscal year specified in paragraph (2) shall be equal to 62 percent of the amount of assessments actually collected under such section 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.

(2) Fiscal years specified

The fiscal years specified in this paragraph are the 9th and 10th fiscal years that begin on or after October 5, 2018.

(f) Covered period defined

In this section, the term “covered period” means the period that begins on October 5, 2018, and ends on the last day of the 11th fiscal year that begins on or after such date.

(Pub. L. 115-254, div. E, §1316, Oct. 5, 2018, 132 Stat. 3483.)

§ 8716. Study and report by the Government Accountability Office

Not later than 5 years after October 5, 2018, the Comptroller General of the United States shall prepare a study, and not later than 8 years after October 5, 2018, the Comptroller General shall submit to Congress and the Secretary a report, examining—

(1) how the Board spends assessments collected;

(2) the extent to which the reported activities of the Board help achieve the annual objectives of the Board;

(3) any changes in demand for concrete masonry products relative to other building materials;

(4) any impact of the activities of the Board on the market share of competing products;

(5) any impact of the activities of the Board on the overall size of the market for building products;

(6) any impact of the activities of the Board on the total number of concrete-masonry-related jobs, including manufacturing, sales, and installation;

(7) any significant effects of the activities of the Board on downstream purchasers of concrete masonry products and real property into which concrete masonry products are incorporated;

(8) effects on prices of concrete masonry products as a result of the activities of the Board;

(9) the cost to the Federal Government of an increase in concrete masonry product prices, if any, as a result of the program established by this chapter;

(10) the extent to which key statutory requirements are met;

(11) the extent and strength of Federal oversight of the program established by this chapter;

(12) the appropriateness of administering the program from within the Office of the Secretary of Commerce and the appropriateness of administering the program from within any division of the Department, including whether the Department has the expertise, knowledge, or other capabilities necessary to adequately administer the program; and

(13) any other topic that the Comptroller General considers appropriate.

(Pub. L. 115-254, div. E, §1317, Oct. 5, 2018, 132 Stat. 3484.)

§ 8717. Study and report by the Department of Commerce

Not later than 3 years after October 5, 2018, the Secretary shall prepare a study and submit to Congress a report examining the appropriateness and effectiveness of applying the commodity check-off program model (such as those programs established under the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411 et seq.)) to a nonagricultural industry, taking into account the program established by this chapter and any other check-off program involving a nonagricultural industry.

(Pub. L. 115-254, div. E, §1318, Oct. 5, 2018, 132 Stat. 3485.)

Editorial Notes

REFERENCES IN TEXT

The Commodity Promotion, Research, and Information Act of 1996, referred to in text, is subtitle B of title V of Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 1032, which is classified generally to subchapter II (§7411 et seq.) of chapter 101 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 7 and Tables.

CHAPTER 114—NATIONAL QUANTUM INITIATIVE

Sec.
8801. Definitions.