

not later than 72 hours after the time the Secretary receives a complete registration application, unless the Secretary determines, in the interest of national security, that additional time is necessary to review an application.

(B) Notice of application status

In all cases, the Secretary shall notify a person seeking to register with the Department under subsection (c) or (d) of the status of the application of that person not later than 72 hours after the time the Secretary receives a complete registration application.

(4) Expedited appeals process

(A) Requirement

(i) Appeals process

The Secretary shall establish an expedited appeals process for persons denied a registration number under this part.

(ii) Time period for resolution

The Secretary shall, to the extent practicable, resolve appeals not later than 72 hours after receiving a complete request for appeal unless the Secretary determines, in the interest of national security, that additional time is necessary to resolve an appeal.

(B) Consultation

The Secretary, in developing the appeals process under subparagraph (A), shall consult with appropriate stakeholders.

(C) Guidance

The Secretary shall provide guidance regarding the procedures and information required for an appeal under subparagraph (A) to any person denied a registration number under this part.

(5) Restrictions on use and maintenance of information

(A) In general

Any information constituting grounds for denial of a registration number under this section shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

(B) Sharing of information

Notwithstanding any other provision of this part, the Secretary may share any such information with Federal, State, local, and tribal law enforcement agencies, as appropriate.

(6) Registration information

(A) Authority to require information

The Secretary may require a person applying for a registration number under this part to submit such information as may be necessary to carry out the requirements of this section.

(B) Requirement to update information

The Secretary may require persons issued a registration under this part to update registration information submitted to the Secretary under this part, as appropriate.

(7) Re-checks against terrorist screening database

(A) Re-checks

The Secretary shall, as appropriate, re-check persons provided a registration number pursuant to this part against the terrorist screening database of the Department, and may revoke such registration number if the Secretary determines such person may pose a threat to national security.

(B) Notice of revocation

The Secretary shall, as appropriate, provide prior notice to a person whose registration number is revoked under this section and such person shall have an opportunity to appeal, as provided in paragraph (4).

(Pub. L. 107-296, title VIII, §899B, as added Pub. L. 110-161, div. E, title V, §563(a), Dec. 26, 2007, 121 Stat. 2084; amended Pub. L. 115-278, §2(g)(5)(B), Nov. 16, 2018, 132 Stat. 4179.)

Editorial Notes

REFERENCES IN TEXT

The USA PATRIOT ACT, referred to in subsec. (h)(1), is Pub. L. 107-56, Oct. 26, 2001, 115 Stat. 272, also known as the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure, and Tables.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-278 inserted at end “Such regulations shall be carried out by the Cybersecurity and Infrastructure Security Agency.”

§ 488b. Inspection and auditing of records

The Secretary shall establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities for the purpose of monitoring compliance with this part or for the purpose of deterring or preventing the misappropriation or use of ammonium nitrate in an act of terrorism.

(Pub. L. 107-296, title VIII, §899C, as added Pub. L. 110-161, div. E, title V, §563(a), Dec. 26, 2007, 121 Stat. 2087.)

§ 488c. Administrative provisions

(a) Cooperative agreements

The Secretary—

(1) may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or its designee involved in agricultural regulation, in consultation with the State agency responsible for homeland security, to carry out the provisions of this part; and

(2) wherever possible, shall seek to cooperate with State agencies or their designees that oversee ammonium nitrate facility operations when seeking cooperative agreements to implement the registration and enforcement provisions of this part.

(b) Delegation

(1) Authority

The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this part.