

VIDA Implementation Summary: Washington State

The Vessel Incidental Discharge Act (VIDA) was signed into law by President Trump on December 4, 2018, as amended into S.140 under Title IX. VIDA provisions are the hard-fought result of over 11 years of Congressional negotiations and Washington State must apply diligence to seeing that VIDA is enacted according to intent. This will require new resources to effectively implement. Overall, Sec. 901(b) Purpose (4) is applied as the baseline for State interpretation of VIDA provisions: “to preserve the flexibility of States, political subdivisions, and certain regions with respect to the administration and enforcement of standards relating to the discharge of pollutants from vessels engaged in maritime commerce and transportation.” The “Key VIDA Provisions and Implementation Requirements/Concerns” table below provides a summary of key provisions by sequential order as found in VIDA and implementation requirements/concerns. **Yellow**-highlighted text denotes key timeline information or important terms and **red** text denotes provisions that will require Washington State legislative and/or rulemaking actions to implement.

Key VIDA Provisions and Implementation Requirements/Concerns

VIDA Section 903(a)(1)(p)	Implementation Requirement(s)/Concern(s)
(1) Definitions	
(D) <i>Ballast Water Exchange</i> (i) Flow-through exchange, in which ballast water is flushed out by pumping in midocean water at the bottom of the tank if practicable , and continuously overflowing the tank from the top, until 3 full volumes of water have been changed to minimize the number of original organisms remaining in the tank.	> Differs from USCG 33 CFR 151.2005 and EPA VGP Appendix A definition. Need to watch for implementation effect
(3) Continuation In Effect of Existing Requirements	
(C) Effective beginning on the date on which the requirements promulgated by the Secretary under subparagraphs (A), (B), and (C) of paragraph (5) with respect to every discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection are final, effective, and enforceable , the requirements of the Vessel General Permit and the regulations described in subparagraph (B) shall have no force or effect.	> Need to track this requirement to ensure all VIDA requirements have been met before full implementation
(4) National Standards of Performance for Marine Pollution Control Devices and Water Quality Orders	
(A)(i) Not later than 2 years after the date of enactment of this subsection, the Administrator, in concurrence with the Secretary (subject to clause (ii)), and in consultation with interested Governors (subject to clause (iii)) , shall promulgate Federal standards of performance for marine pollution control devices for each type of discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection.	> Due Date: ~ December 4, 2020 > Important new provision to engage and set expectations for WA State and West coast
(A)(iii) CONSULTATION WITH GOVERNORS.— “(I) IN GENERAL.—The Administrator, in promulgating a standard of performance under clause (i), shall develop the standard of performance— “(aa) in consultation with interested Governors; and “(bb) in accordance with the deadlines under that clause.	> Effective immediately > WA needs to provide input on this to EPA and/or NGA to ensure technical consultation needs are met

VIDA Section 903(a)(1)(p)	Implementation Requirement(s)/Concern(s)
<p>“(II) PROCESS.—The Administrator shall develop a process for soliciting input from interested Governors, including information sharing relevant to such process, to allow interested Governors to inform the development of standards of performance under clause (i).</p>	
<p>(B)(iii) MINIMUM REQUIREMENTS.— Subject to subparagraph (D)(ii)(II), the combination of any equipment or best management practice comprising a marine pollution control device shall not be less stringent than the following provisions of the Vessel General Permit: “(I) All requirements contained in parts 2.1 and 2.2 (relating to effluent limits and related requirements), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes. “(II) All requirements contained in part 5 (relating to vessel class-specific requirements) that concern effluent limits and authorized discharges (within the meaning of that part), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes.</p>	<p>> Important to track and ensure minimum requirements are met</p>
<p>(D)(ii) MAINTAINING PROTECTIVENESS.— “(I) IN GENERAL.—Except as provided in subclause (II), the Administrator shall not revise a standard of performance under this subsection to be less stringent than an applicable existing requirement. “(II) EXCEPTIONS.—The Administrator may revise a standard of performance to be less stringent than an applicable existing requirement— “(aa) if information becomes available that— “(AA) was not reasonably available when the Administrator promulgated the initial standard of performance or comparable requirement of the Vessel General Permit, as applicable (including the subsequent scarcity or unavailability of materials used to control the relevant discharge); and “(BB) would have justified the application of a less stringent standard of performance at the time of promulgation; or “(bb) if the Administrator determines that a material technical mistake or misinterpretation of law occurred when promulgating the existing standard of performance or comparable requirement of the Vessel General Permit, as applicable.</p>	<p>> Important to track and ensure any exceptions to minimum requirements are valid</p>
<p>“(E) BEST MANAGEMENT PRACTICES FOR AQUATIC NUISANCE SPECIES EMERGENCIES AND FURTHER PROTECTION OF WATER QUALITY.— “(i) IN GENERAL.—Notwithstanding any other provision of this subsection, the Administrator, in concurrence with the Secretary (subject to clause (ii)), and in consultation with States, may require, by order, the use of an emergency best</p>	<p>> Need to set up a process for submitting a petition under (7)(A) for AIS emergency orders > Develop pre-incident petitions that are ready to submit for situations such as European green crab and vessel safety exemptions</p>

VIDA Section 903(a)(1)(p)	Implementation Requirement(s)/Concern(s)
<p>management practice for any region or category of vessels in any case in which the Administrator determines that such a best management practice—</p> <p>“(I) is necessary to reduce the reasonably foreseeable risk of introduction or establishment of an aquatic nuisance species; or</p> <p>“(II) will mitigate the adverse effects of a discharge that contributes to a violation of a water quality requirement under section 303, other than a requirement based on the presence of an aquatic nuisance species.</p>	
(5) Implementation, Compliance, and Enforcement Requirements	
<p>(A)(i) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date on which the Administrator promulgates any new or revised standard of performance under paragraph (4) with respect to a discharge, the Secretary, in consultation with States, shall promulgate the regulations required under this paragraph with respect to that discharge.</p>	<p>> Due Date: ~ December 4, 2022</p> <p>> Different from (4)(A)(i) “in consultation with interested Governors” – Need to assert it follow same process</p> <p>> Will require legislative and WAC rulemaking to implement</p>
<p>“(ii) MINIMUM REQUIREMENTS.—Subject to subparagraph (C)(ii)(II), the regulations promulgated under this paragraph shall not be less stringent with respect to ensuring, monitoring, and enforcing compliance than—</p> <p>“(I) the requirements contained in part 3 of the Vessel General Permit (relating to corrective actions);</p> <p>“(II) the requirements contained in part 4 of the Vessel General Permit (relating to inspections, monitoring, reporting, and recordkeeping), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes;</p> <p>“(III) the requirements contained in part 5 of the Vessel General Permit (relating to vessel class-specific requirements) regarding monitoring, inspection, and educational and training requirements (within the meaning of that part), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes; and</p> <p>“(IV) any comparable, existing requirements promulgated under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) (including section 1101 of that Act (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection)) applicable to that discharge.</p>	<p>> Important to track and ensure minimum requirements are met</p>
<p>(A)(iii) COORDINATION WITH STATES.—</p> <p>The Secretary, in coordination with the Governors of the States, shall develop, publish, and periodically update inspection, monitoring, data management, and enforcement procedures for the enforcement by States of Federal standards and requirements under this subsection.</p>	<p>> Effective immediately</p> <p>> Need to clarify if a requirement for all states in respect to use of term “Federal standards” under (9)(A)(iii).</p> <p>> WA and/or West coast should pursue an MOA with USCG</p> <p>> No due date – may be instrumental in addressing potential consultation gaps under (5)(B) & (C)</p>

VIDA Section 903(a)(1)(p)	Implementation Requirement(s)/Concern(s)
(B) IMPLEMENTATION REGULATIONS FOR MARINE POLLUTION CONTROL DEVICES.—The Secretary shall promulgate such regulations governing the design, construction, testing, approval, installation, and use of marine pollution control devices as are necessary to ensure compliance with the standards of performance promulgated under paragraph (4).	> Need to clarify state consultation requirements for this subparagraph
“(C) COMPLIANCE ASSURANCE.— “(i) IN GENERAL.—The Secretary shall promulgate requirements (including requirements for vessel owners and operators with respect to inspections, monitoring, reporting, sampling, and recordkeeping) to ensure, monitor, and enforce compliance with— “(I) the standards of performance promulgated by the Administrator under paragraph (4); and “(II) the implementation regulations promulgated by the Secretary under subparagraph (B).	> Need to clarify important state consultation requirements for this subparagraph – how does this relate to (A)(iii)?
(C)(II) EXCEPTIONS.—The Secretary may revise a requirement under this subparagraph or subparagraph (B) to be less stringent than an applicable existing requirement— “(aa) in accordance with this subparagraph or subparagraph (B), as applicable; “(bb) if information becomes available that— “(AA) the Administrator determines was not reasonably available when the Administrator promulgated the existing requirement of the Vessel General Permit, or that the Secretary determines was not reasonably available when the Secretary promulgated the existing requirement under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) or the applicable existing requirement under this subparagraph, as applicable (including subsequent scarcity or unavailability of materials used to control the relevant discharge); and “(BB) would have justified the application of a less stringent requirement at the time of promulgation; or “(cc) if the Administrator determines that a material technical mistake or misinterpretation of law occurred when promulgating an existing requirement of the Vessel General Permit, or if the Secretary determines that a material mistake or misinterpretation of law occurred when promulgating an existing requirement under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) or this subsection.	> Major potential loophole in paragraph (4) process – need to be diligent in tracking and objecting to process where it occurs
“(D) DATA AVAILABILITY.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall provide to the Governor of a State, on request by the Governor , access to Automated Identification System arrival data for inbound vessels to specific ports or places of destination in the State.	> Due date: ~December 4, 2019 > Need to request this data

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(6) Additional Provisions Regarding Ballast Water	
<p>“(B) EMPTY BALLAST TANKS.—</p> <p>“(i) REQUIREMENTS.—Except as provided in clause (ii), the owner or operator of a vessel with empty ballast tanks bound for a port or place of destination subject to the jurisdiction of the United States shall, prior to arriving at that port or place of destination, conduct a ballast water exchange or saltwater flush—</p> <p>“(I) not less than 200 nautical miles from any shore for a voyage originating outside the United States or Canadian exclusive economic zone; or</p> <p>“(II) not less than 50 nautical miles from any shore for a voyage originating within the United States or Canadian exclusive economic zone.</p>	<p>> Effective immediately</p> <p>> WAC rulemaking required to implement</p>
<p>“(D) REVIEW OF BALLAST WATER MANAGEMENT SYSTEM TYPE-APPROVAL TESTING METHODS.—</p> <p>“(ii) DRAFT POLICY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in coordination with the Administrator, shall publish a draft policy letter, based on the best available science, describing type-approval testing methods and protocols for ballast water management systems, if any, that—</p> <p>“(I) render nonviable organisms in ballast water; and</p> <p>“(II) may be used in addition to the methods established under subpart 162.060 of title 46, Code of Federal Regulations (or successor regulations)—</p> <p>“(aa) to measure the concentration of organisms in ballast water that are capable of reproduction;</p> <p>“(bb) to certify the performance of each ballast water management system under this subsection; and</p> <p>“(cc) to certify laboratories to evaluate applicable treatment technologies.</p> <p>“(iii) PUBLIC COMMENT.—The Secretary shall provide a period of not more than 60 days for public comment regarding the draft policy letter published under clause (ii).</p>	<p>> Due Date: ~ May 4, 2019</p> <p>> Will need to provide public comment</p>
<p>“(E) INTERGOVERNMENTAL RESPONSE FRAMEWORK.—</p> <p>“(i) IN GENERAL.—The Secretary, in consultation with the Administrator and acting in coordination with, or through, the Aquatic Nuisance Species Task Force established by section 1201(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721(a)), shall establish a framework for Federal and intergovernmental response to aquatic nuisance species risks from discharges from vessels subject to ballast water and incidental discharge compliance requirements under this subsection, including the introduction, spread, and establishment of aquatic nuisance species populations.</p> <p>“(ii) BALLAST DISCHARGE RISK RESPONSE.—The Administrator, in coordination with the Secretary and taking into consideration information from the National Ballast</p>	<p>> Effective immediately</p> <p>> Need to clarify where this came from and intended purpose</p> <p>> Will require new coordination/participation on ANSTF</p>

VIDA Section 903(a)(1)(p)	Implementation Requirement(s)/Concern(s)
<p>Information Clearinghouse developed under section 1102(f) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)), shall establish a risk assessment and response framework using ballast water discharge data and aquatic nuisance species monitoring data for the purposes of—</p> <p>“(I) identifying and tracking populations of aquatic invasive species;</p> <p>“(II) evaluating the risk of any aquatic nuisance species population tracked under subclause (I) establishing and spreading in waters of the United States or waters of the contiguous zone; and</p> <p>“(III) establishing emergency best management practices that may be deployed rapidly, in a local or regional manner, to respond to emerging aquatic nuisance species threats.</p>	
(7) Petitions by Governors for Review	
<p>“(A) IN GENERAL.—The Governor of a State (or a designee) may submit to the Administrator or the Secretary a petition—</p> <p>“(i) to issue an order under paragraph (4)(E); or</p> <p>“(ii) to review any standard of performance, regulation, or policy promulgated under paragraph (4), (5), or (6), respectively, if there exists new information that could reasonably result in a change to—</p> <p>“(I) the standard of performance, regulation, or policy; or</p> <p>“(II) a determination on which the standard of performance, regulation, or policy was based.</p>	<p>> Effective immediately</p> <p>> Need to review for pre-submission process improvement</p>
(8) Prohibitions	
<p>“(A) IN GENERAL.—It shall be unlawful for any person to violate—</p> <p>“(i) a provision of the Vessel General Permit in force and effect under paragraph (3)(A);</p> <p>“(ii) a regulation promulgated pursuant to section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection) in force and effect under paragraph (3)(B); or</p> <p>“(iii) an applicable requirement or regulation under this subsection.</p>	<p>> Need to clarify extent of effect on state enforcement</p>
(9) Effect on Other Laws	
<p>(A)(ii) IDENTICAL OR LESSER STATE LAWS.—Clause (i) shall not apply to any law, regulation, or other requirement of a State, political subdivision of a State, or interstate agency in effect on or after the date of enactment of this subsection—</p> <p>“(I) that is identical to a Federal requirement under this subsection applicable to the relevant discharge; or</p> <p>“(II) compliance with which would be achieved concurrently in achieving compliance with a Federal requirement under this subsection applicable to the relevant discharge.</p>	<p>> State laws/regulations that meet the “achieved concurrently” will be important to develop and track</p>

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<p>(A)(iv) EXCEPTION FOR CERTAIN FEES.—</p> <p>“(I) IN GENERAL.—Subject to subclauses (II) and (III), a State that assesses any fee pursuant to any State or Federal law relating to the regulation of a discharge incidental to the normal operation of a vessel before the date of enactment of this subsection may assess or retain a fee to cover the costs of administration, inspection, monitoring, and enforcement activities by the State to achieve compliance with the applicable requirements of this subsection.</p>	<p>> Requires legislative action to implement</p>
<p>(9)(C) PERMITTING.—Effective beginning on the date of enactment of this subsection—</p> <p>“(i) the Small Vessel General Permit is repealed; and</p> <p>“(ii) the Administrator, or a State in the case of a permit program approved under section 402, shall not require, or in any way modify, a permit under that section for...</p>	<p>> Effective immediately</p>
<p>“(F) NO LIMITATION ON STATE INSPECTION AUTHORITY.—Nothing in this subsection limits the authority of a State to inspect a vessel pursuant to paragraph (5)(A)(iii) in order to monitor compliance with an applicable requirement of this section.</p>	<p>> Covered under current RCWs & WACs</p>
<p>(10) Additional Regional Requirements</p>	
<p>“(C) MINIMUM PACIFIC REGION REQUIREMENTS.—</p> <p>“(ii) BALLAST WATER EXCHANGE.—</p> <p>“(I) IN GENERAL.—Except as provided in subclause (II) and clause (iv), the owner or operator of a commercial vessel shall conduct a complete ballast water exchange in waters more than 50 nautical miles from shore.</p> <p>“(II) EXEMPTIONS.—Subclause (I) shall not apply to a commercial vessel—</p> <p>“(aa) using, in compliance with applicable requirements, a type-approved ballast water management system approved by the Secretary; or</p> <p>“(bb) voyaging—</p> <p>“(AA) between or to a port or place of destination in the State of Washington, if the ballast water to be discharged from the commercial vessel originated solely from waters located between the parallel 46 degrees north latitude, including the internal waters of the Columbia River, and the internal waters of Canada south of parallel 50 degrees north latitude, including the waters of the Strait of Georgia and the Strait of Juan de Fuca;</p>	<p>> Effective immediately</p> <p>> Covered under current RCWs & WACs, except revised southern boundary inconsistent current rule</p> <p>> Requires WAC rulemaking to implement</p>
<p>“(iii) LOW-SALINITY BALLAST WATER.—</p> <p>“(I) IN GENERAL.—Except as provided in subclause (II) and clause (iv), the owner or operator of a commercial vessel that transports ballast water sourced from waters with a measured salinity of less than 18 parts per thousand and voyages to a Pacific Region port or place of destination with a measured salinity of less than 18 parts per thousand shall conduct a complete ballast water exchange—</p>	<p>> Effective immediately</p> <p>> Requires WAC rulemaking to implement</p>

VIDA Section 903(a)(1)(p)	Implementation Requirement(s)/Concern(s)
<p>“(aa) not less than 50 nautical miles from shore, if the ballast water was sourced from a Pacific Region port or place of destination; or</p> <p>“(bb) more than 200 nautical miles from shore, if the ballast water was not sourced from a Pacific Region port or place of destination.</p>	
<p>“(D) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—</p> <p>“(i) STATE PROHIBITION.—Subject to clause (ii), after the effective date of regulations promulgated by the Secretary under paragraph (5), if any State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more types of discharge regulated under this subsection, whether treated or not treated, into such waters.</p>	> Ecology lead...
(d) LOGBOOK REQUIREMENTS.—	
Section 11301(b) of title 46, United States Code, is amended by adding at the end the following...	> Effective immediately
(f) Coastal AIS Mitigation Grant Program and Mitigation Fund	
(2)(A) ESTABLISHMENT.—The Secretary and the Foundation shall establish a program, to be known as the “Coastal Aquatic Invasive Species Mitigation Grant Program”, under which the Secretary and the Foundation shall award grants to eligible entities in accordance with this paragraph.	> Important new potential funding opportunities
<p>(B) PURPOSES.—The purposes of the Program are—</p> <p>(i) to improve the understanding, prevention, and mitigation of, and response to, aquatic invasive species in—</p> <p>(I) the coastal zone; and</p> <p>(II) the Exclusive Economic Zone;</p> <p>(ii) to support the prevention and mitigation of impacts from aquatic invasive species in the coastal zone; and</p> <p>(iii) to support the restoration of Pacific Island habitats, marine, estuarine, and Great Lakes environments in the coastal zone and the Exclusive Economic Zone that are impacted by aquatic invasive species.</p>	> Great Lakes states should not be included on eligibility list as they are eligible for their own funding under (1)(B)(iii)(IX) - \$5M – and (g)(7) - \$50M that could be extended indefinitely
<p>(2)(C) USE OF GRANTS.—</p> <p>(i) IN GENERAL.—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—</p> <p>(I) to develop and implement procedures and programs, including permissible State ballast water inspection programs, to prevent, detect, control, mitigate, and rapidly or progressively eradicate aquatic invasive species in the coastal zone or the Exclusive</p>	<p>> Need to be ready to apply for WDFW and Ecology program grants</p> <p>> Concern about using grants for (III) and (V) – industry based needs that compete with state needs</p>

VIDA Section 903(a)(1)(p)	Implementation Requirement(s)/Concern(s)
<p>Economic Zone, particularly in areas with high numbers of established aquatic invasive species;</p> <p>(II) to restore habitat impacted by an aquatic invasive species;</p> <p>(III) to develop new shipboard and land-based ballast water treatment system technologies and performance standards to prevent the introduction of aquatic invasive species;</p> <p>(IV) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or</p> <p>(V) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.</p>	
<p>(2)(D) ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, the Foundation, in consultation with the Secretary, shall establish the following:</p> <p>(i) Application and review procedures for awarding grants under the Program.</p> <p>(ii) Approval procedures for awarding grants under the Program, including a requirement for consultation with—</p> <p>(I) the Secretary of the Interior; and</p> <p>(II) the Administrator.</p>	<p>> Due Date: ~ March 4, 2019</p> <p>> Determine ability of States to participate in procedures</p>
<p>(3)(B) TRANSFERS TO FUND.—</p> <p>(i) APPROPRIATION.—There is authorized to be appropriated from the Treasury to the Fund, for each fiscal year, an amount equal to the amount of penalties assessed for violations of subsection (p) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) during the preceding fiscal year.</p> <p>(ii) ADDITIONAL AUTHORIZATION.—In addition to the amounts transferred to the Fund under clause (i), there is authorized to be appropriated to the Fund \$5,000,000 for each fiscal year.</p>	<p>> Need ability to track penalties</p> <p>> Need to advocate fully funding appropriation in Congress</p>
(h) Technical and Conforming Amendments	
<p>“(2) BALLAST WATER REPORTING REQUIREMENTS.—</p> <p>“(C) ADVANCE REPORT TO STATES.—A State may require the owner or operator of a vessel subject to this title to submit directly to the State, or to an appropriate regional forum, a ballast water management report form—</p> <p>“(i) not later than 24 hours prior to arrival at a United States port or place of destination in the State, if the voyage of the vessel is anticipated to exceed 24 hours; or</p> <p>“(ii) before departing the port or place of departure, if the voyage of the vessel to the United States port or place of destination is not anticipated to exceed 24 hours.</p>	<p>> Effective immediately</p> <p>> Covered under current WAC requirements</p>

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<p>“(3) VESSEL REPORTING DATA.—</p> <p>“(A) DISSEMINATION TO STATES.—On receipt of a ballast water management report under paragraph (2), the National Ballast Information Clearinghouse shall—</p> <p>“(i) in the case of a form submitted electronically, immediately disseminate the report to interested States; or</p> <p>“(ii) in the case of a form submitted by means other than electronically, disseminate the report to interested States as soon as practicable.</p> <p>“(B) AVAILABILITY TO PUBLIC.—Not later than 30 days after the date of receipt of a ballast water management report under paragraph (2), the National Ballast Information Clearinghouse shall make the data in the report fully and readily available to the public in a searchable and fully retrievable electronic format.</p>	<p>> Effective immediately</p> <p>> Will need to work with NBIC and West Coast states to technically implement</p>
<p>“(4) REPORT.—</p> <p>“(A) IN GENERAL.—Not later than July 1, 2019, and annually thereafter, the Secretary shall prepare and submit a report in accordance with this paragraph.</p> <p>“(B) CONTENTS.—Each report under this paragraph shall synthesize and analyze the data described in paragraph (1) for the preceding 2-year period to evaluate nationwide status and trends relating to—</p> <p>“(i) ballast water delivery and management; and</p> <p>“(ii) invasions of aquatic nuisance species resulting from ballast water.</p> <p>“(C) DEVELOPMENT.—The Secretary shall prepare each report under this paragraph in consultation and cooperation with—</p> <p>“(i) the Task Force; and</p> <p>“(ii) the Smithsonian Institution (acting through the Smithsonian Environmental Research Center).</p> <p>“(D) SUBMISSION.—The Secretary shall—</p> <p>...</p> <p>“(ii) make each report available to the public.</p>	<p>> Will need to review report(s) when available</p>
<p>“(5) WORKING GROUP.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish a working group, including members from the National Ballast Information Clearinghouse and States with ballast water management programs, to establish a process for compiling and readily sharing Federal and State commercial vessel reporting and enforcement data regarding compliance with this Act.”.</p>	<p>> Due date: ~December 4, 2019</p>

<END>