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Congress of the United States
House of Representatives
Washington, DC 20515

February 29, 2024

Kay Granger
Chairwoman
House Appropriations Committee
H-307 The Capitol
Washington, DC 20515

Rosa DeLauro
Ranking Member
House Appropriations Committee
1036 Longworth House Office Building
Washington, DC 20515

Patty Murray
Chair
Senate Appropriations Committee
Room S-128 The Capitol
Washington, D.C. 20510

Susan Collins
Vice Chair
Senate Appropriations Committee
Room S-128 The Capitol
Washington, D.C. 20510

Dear Chairwoman Granger, Ranking Member DeLauro, Chair Murray, and Vice Chair Collins,

I write to urge you not to include controversial House-passed language in the final Fiscal Year 2024 (FY24) Commerce, Justice, Science (CJS) appropriation that would bar the National Oceanic and Atmospheric Administration (NOAA) from fulfilling its congressionally mandated obligations to create safeguards to prevent the extinction of the critically endangered North Atlantic right whale (NARW).

The House language prohibits NOAA from updating existing NARW vessel strike reduction rules until new technologies - that do not yet exist - have been implemented as conservation measures. Requiring adoption of technologies in the early stages of development as a precursor to federal rulemaking sets a dangerous precedent and is counter to Congressional mandates that NOAA take action to prevent the NARW's extinction under the Endangered Species Act and Marine Mammal Protection Act.

I recently met with NOAA officials working with diverse stakeholders to develop technologies that would lower the likelihood of whale strikes. Though these technologies hold much promise, we are potentially years away from their successful application in the field and study for potential effectiveness. These are years that the NARW does not have. These innovations will be a boon to NARW conservation efforts when they arrive, but we must embrace solutions that are readily available now including getting more boats to brake for whales.

I urge you to please strike this language from the final FY24 CJS appropriations bill and give the Executive Branch the opportunity to fulfill its congressionally mandated obligations. The rulemaking process is a critical part of the business of our democracy and the deliverance of the law. Congress must not deny the societal good it can achieve and abolish it just because it is perceived to be difficult by some. NOAA leadership has stated that they are thoroughly reviewing all public comments on the draft rule. We must give them the opportunity to revise the draft rule in accordance with the voices of interested Americans and key stakeholder groups, including recreational and fishing communities that I have long supported.

We must not let the North Atlantic right whale become the first baleen whale on Earth to go extinct on our watch. Time is of the essence.

Sincerely,

Frank Pallone, Jr.

FRANK PALLONE, JR.
Member of Congress