



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 26 2023

The Honorable Kamala Harris
President of the Senate
Washington, DC 20510

Dear Madam President:

The Pelly Amendment to the Fishermen's Protective Act of 1967, 22 U.S.C. § 1978(a)(2) (Pelly Amendment), provides that the Secretary of the Interior shall make a certification to the President if the Secretary determines that nationals of a foreign country, directly or indirectly, are engaged in trade or taking that diminishes the effectiveness of any international program for the conservation of endangered or threatened species. Pursuant to the Pelly Amendment, 22 U.S.C. § 1978(a)(3)(4), the Secretary of the Interior must report to Congress, within 15 days, each certification made to the President under this authority.

On May 18, 2023, I certified to the President that nationals of Mexico are engaging in taking and trade of the totoaba fish (*Totoaba macdonaldi*) and the related incidental take of vaquita (*Phocoena sinus*) that diminishes the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a treaty for the conservation of endangered or threatened species.

Both totoaba and the critically endangered vaquita are listed in CITES Appendix I, which prohibits trade in their parts and specimens for primarily commercial purposes. The Department of the Interior, in consultation with the Department of State, has determined through a thorough investigation of the evidence that, despite international protections and commitments, the government of Mexico has failed to stem the illegal harvest and commercial export of totoaba. This illicit trade has direct negative impacts on the survival of the vaquita, which become entangled and drown in illegal gillnets set for totoaba.

Totoaba are illegally harvested for their swim bladders, which are trafficked to fuel the illegal markets in China. The ongoing illegal trade of totoaba swim bladders is not only contrary to CITES provisions, it is also a major factor contributing to the near extinction of the vaquita porpoise. The vaquita population has been monitored for decades, revealing a steady and rapid decline, with the current global population estimated to be 10 or fewer animals. Consistent with the Pelly Amendment, within 60 days of the certification, the President shall notify the Congress of any action taken pursuant to the certification to help encourage conservation actions to prevent the extinction of the vaquita and continued decline of the totoaba. The administration will provide an update to Congress within this 60-day timeframe.

Sincerely,

Deb Haaland



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 26 2023

The Honorable Kevin McCarthy
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

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