

To the office of U.S. Representative Jared Huffman

Re: HR 10073 (119th Congress), Critically Endangered Animals Conservation Act of 2026 • Latest action (2026-08-10): Referred to the House Committee on Natural Resources.

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Office of record (Congress.gov): 2330 Rayburn House Office Building, Washington, DC • (202) 225-5161

International Endangered Species Conservation Assistance Act of 2025

The measure, as described from the official record: To provide U.S. funding and technical assistance for the conservation of critically endangered species located in foreign countries, aiming to prevent their extinction and preserve global biodiversity.

THE PROPOSAL

This Act authorizes the Secretary of the Interior, in consultation with the U.S. Trade Representative, to provide grants and technical assistance to foreign countries for the conservation of critically endangered species that are listed under the U.S. Endangered Species Act (16 U.S.C. § 1533) or that are included in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Assistance shall be limited to projects that demonstrably reduce illegal wildlife trafficking, protect habitats of species that migrate to or affect U.S. territory, or support enforcement of international trade restrictions that directly impact U.S. markets.

Eligible foreign countries must submit a conservation plan that includes measurable benchmarks, anti-corruption safeguards, and a commitment to not use funds for activities that violate U.S. law or international agreements to which the U.S. is a party. The Secretary shall prioritize species whose conservation has a direct economic or ecological effect on the United States, such as those involved in legal or illegal trade, disease transmission, or agricultural pest control.

No funds may be used for land acquisition, military activities, or any program that restricts the exercise of property rights without due process. The program shall be funded by a 0.5% surcharge on all imports of wildlife and wildlife products, as defined by the Lacey Act (18 U.S.C. § 42), deposited into a dedicated fund. The Secretary shall report annually to Congress on expenditures, outcomes, and the connection to U.S. interests.

This Act shall sunset five years after enactment, unless reauthorized by Congress. Any unexpended funds shall revert to the general Treasury. The Comptroller General shall conduct an audit after three years to evaluate effectiveness and constitutional compliance.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source A 0.5% surcharge on imports of wildlife and wildlife products under the Lacey Act, deposited into a dedicated fund.

Funding Amount	Estimated \$50 million annually, capped at \$250 million over five years, subject to appropriations.
Sunset Years	5 years
Oversight Body	Secretary of the Interior, with annual reporting to the House Committee on Natural Resources and the Senate Committee on Environment and Public Works.
Enforcement Mechanism	Grants subject to clawback if funds are misused or if the foreign country fails to meet benchmarks; audits by the Comptroller General; whistleblower protections for reporting misuse.
Effective Date	90 days after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce with foreign nations)
- Article I, Section 8, Clause 1 (General Welfare, limited to spending that benefits the United States)
- Article I, Section 8, Clause 18 (Necessary and Proper Clause to implement commerce and treaty obligations)
- Tenth Amendment (reserving to states powers not delegated, here avoided by focusing on federal commerce power)

Concerns with the measure as written:

- The original bill may exceed Congress's enumerated powers by funding foreign conservation without a clear link to U.S. commerce, treaties, or other delegated powers, potentially violating the Tenth Amendment.
- The General Welfare Clause (Article I, Section 8, Clause 1) is limited by the requirement that spending must be for the general welfare of the United States, not for general global welfare without a domestic nexus.
- Without a tie to interstate or foreign commerce, the Commerce Clause (Article I, Section 8, Clause 3) may not support direct grants to foreign countries for species conservation.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities: protects critically endangered species, supports international conservation efforts, and uses a dedicated funding stream to avoid general revenue increases. Honors Republican priorities: limits federal spending to a narrow, commerce-linked surcharge, includes a sunset clause, requires measurable outcomes, prohibits land acquisition or property rights infringement, and ties assistance to direct U.S. economic and ecological interests, respecting the Tenth Amendment by not regulating states or private property without due process.

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