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B-337800

September 15, 2025

The Honorable Shelley Moore Capito
Chairman
The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
United States Senate

The Honorable Bruce Westerman
Chairman
The Honorable Jared Huffman
Ranking Member
Committee on Natural Resources
House of Representatives

Subject: *Department of the Interior, Fish and Wildlife Service: Migratory Bird Hunting;
2025–26 Seasons for Certain Migratory Game Birds*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of the Interior, Fish and Wildlife Service (FWS) entitled “Migratory Bird Hunting; 2025–26 Seasons for Certain Migratory Game Birds” (RIN: 1018-BH65). We received the rule on August 28, 2025. It was published in the *Federal Register* on August 25, 2025. 90 Fed. Reg. 43106. The effective date of the rule is August 22, 2025.

According to FWS, this rule prescribes the seasons, hours, areas, and daily bag and possession limits for hunting migratory game birds, and permits the taking of designated species during the 2025–26 season.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). However, the 60-day delay in effective date does not apply to rules that establish, modify, open, close, or conduct a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping. 5 U.S.C. § 808(1). FWS stated that because this rule establishes a regulatory program for activity related to hunting, for which seasons are time sensitive, it’s covered by 5 U.S.C. § 808(1). 90 Fed. Reg. at 41307. Therefore, according to FWS, it was not required to delay the effective date for 60 days. *Id.*

Enclosed is our assessment of FWS’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to

the subject matter of the rule, please contact Charlie McKiver, Assistant General Counsel, at (202) 512-5992.

A handwritten signature in cursive script that reads "Shirley A. Jones". The signature is written in black ink and is positioned above the printed name and title.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Gregory W. Fleming
Wildlife Biologist
Fish and Wildlife Service

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE
ENTITLED
“MIGRATORY BIRD HUNTING;
2025–26 SEASONS FOR CERTAIN MIGRATORY GAME BIRDS”
(RIN: 1018-BH65)

(i) Cost-benefit analysis

The Department of the Interior, Fish and Wildlife Service (FWS) prepared an analysis of the costs and benefits for this rule. See 90 Fed. Reg. 41306, 41306–41307 (Aug. 25, 2025).

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

According to FWS, the annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities such as restaurants, grocery stores, lodging, transportation, and sporting goods stores. 90 Fed. Reg. at 41307. FWS prepared an initial regulatory flexibility analysis that will be updated annually. *Id.*

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

FWS determined and certified that this rule will not have an effect on state, local, or tribal governments, in the aggregate, or on the private sector, of \$100 million or more, adjusted for inflation, in any one year and does not significantly or uniquely affect small governments. See 90 Fed. Reg. at 41307.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On January 21, 2025, FWS published a proposed rule. 90 Fed. Reg. 7056. FWS stated it previously addressed all pertinent comments from the proposed rule and an April 24, 2025, supplemental proposed rule (90 Fed. Reg. 17300) in an August 18, 2025, final rule (90 Fed. Reg. 40178). 90 Fed. Reg. at 41306, 41308.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

FWS determined that this rule contains no new information collection requirements requiring approval by the Office of Management and Budget under the Act. 90 Fed. Reg. at 41307.

Statutory authorization for the rule

FWS promulgated this rule pursuant to sections 703 through 712, and sections 742a–j, of title 16, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

FWS stated that this rule is significant under the Order. See 90 Fed. Reg. at 41306.

Executive Order No. 13132 (Federalism)

FWS determined that this rule does not have federalism implications. 90 Fed. Reg. at 41308.