



Decision

Matter of: U.S. Postal Service—Applicability of the Congressional Review Act to Service Standards for Market-Dominant Mail Products

File: B-338071

Date: May 21, 2026

DIGEST

The United States Postal Service (USPS) issued updated procedures entitled *Service Standards for Market-Dominant Mail Products* (Service Standards). The Service Standards are intended to align with operational initiatives USPS plans to implement on a nationwide basis to transform its processing and transportation networks to achieve greater operational precision and efficiency, significantly reduce costs, and enhance service.

The Congressional Review Act (CRA) requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate, as well as the Comptroller General. We conclude that USPS is exempt from CRA pursuant to the Postal Reorganization Act, which exempts USPS from a number of federal statutes that apply to the day-to-day administration of other federal agencies. Therefore, the Service Standards are not subject to CRA's submission requirement. We do not address whether the Service Standards would be a rule for purposes of CRA were USPS subject to CRA's requirements.

DECISION

On February 28, 2025, the United States Postal Service (USPS) issued updated procedures entitled *Service Standards for Market-Dominant Mail Products* (Service Standards).¹ We received a request for a decision as to whether the Service Standards are a rule for purposes of the Congressional Review Act (CRA).² Our practice when issuing decisions is to obtain the legal views of the relevant agency on the subject of the request.³ Accordingly, we reached out to USPS to obtain its legal views.⁴ We received a response from USPS on February 27, 2026.⁵

BACKGROUND

Congress established USPS as an independent establishment of the executive branch.⁶ USPS is generally self-funded through revenue from the sale of postal products and services.⁷ As part of its duties, USPS is responsible for providing prompt, reliable, and efficient services to patrons in all areas and rendering postal services to all communities.⁸ USPS must maintain an integrated network for the

¹ USPS, *Service Standards for Market-Dominant Mail Products*, 90 Fed. Reg. 10857 (Feb. 28, 2025).

² Letter from Senator M. Michael Rounds to Acting Comptroller General (Jan. 30, 2026).

³ GAO, *GAO's Protocols for Legal Decisions and Opinions*, GAO-24-107329 (Washington, D.C.: Feb. 21, 2024), available at <https://www.gao.gov/products/gao-24-107329>.

⁴ Letter from Managing Associate General Counsel for Appropriations Law, GAO, to General Counsel, USPS (Feb. 12, 2026).

⁵ Letter from General Counsel, USPS, to Managing Associate General Counsel for Appropriations Law, GAO (Feb. 27, 2026) (Response Letter).

⁶ Postal Reorganization Act, Pub. L. No. 91-375, 84 Stat. 719, 720 (Aug. 12, 1970), 39 U.S.C. § 201.

⁷ 39 U.S.C. § 2003.

⁸ 39 U.S.C. § 101(a).

delivery of market-dominant⁹ and competitive products,¹⁰ with delivery generally occurring at least six days a week.¹¹

Service Standards

Pursuant to the Postal Accountability and Enhancement Act, USPS set out to establish, by regulation, a set of modern service standards for market-dominant products.¹² Service standards indicate the expected number of days for delivery after a mail piece or package is accepted by USPS.¹³ Among other objectives, service standards were to be designed to reasonably assure USPS customers with delivery reliability, speed, and frequency consistent with reasonable rates and best business practices; and provide a system of objective external performance measurements for each market-dominant product.¹⁴ USPS has amended the service standards numerous times since their initial publication in 2007.¹⁵

On March 23, 2021, USPS published *Delivering for America*, its ten-year plan to achieve financial sustainability and service excellence.¹⁶ The plan aimed to guide

⁹ Market-dominant products include first-class mail letters and sealed parcels; first-class mail cards; periodicals; standard mail; media mail; and library mail among others. See 39 U.S.C. §§ 102(8); 3621(a).

¹⁰ Competitive products include priority mail, expedited mail, bulk parcel post, and bulk international mail. See 39 U.S.C. §§ 102(9); 3631(a).

¹¹ 39 U.S.C. § 101(b).

¹² Pub. L. No. 109-435, 120 Stat. 3128, 3218, title III, § 301 (Dec. 20, 2006); 39 U.S.C. § 3691.

¹³ USPS, *Changes in Service Standards – FAQs* (Feb. 9, 2026), available at <https://about.usps.com/what/strategic-plans/delivering-for-america/assets/service-standard-changes-faqs.pdf> (last visited May 18, 2026).

¹⁴ 39 U.S.C. § 3691(b).

¹⁵ See, e.g., USPS, *Revised Service Standards for Market-Dominant Mail Products*, 86 Fed. Reg. 43941 (Aug. 11, 2021); *Service Standards for Destination Sectional Center Facility Rate Standard Mail*, 79 Fed. Reg. 12390 (Mar. 5, 2014); *Revised Service Standards for Market-Dominant Mail Products*, 77 Fed. Reg. 31190 (May 25, 2012); *Modern Service Standards for Market-Dominant Products*, 72 Fed. Reg. 72216 (Dec. 19, 2007).

¹⁶ USPS, *Delivering for America: Our Vision and Ten-Year Plan to Achieve Financial Sustainability and Service Excellence* (Mar. 23, 2021), available at

(continued...)

the transformation of USPS from an organization in financial and operational crisis to one that is self-sustaining and high performing. Among other initiatives, the plan called for revised service standards to improve efficiency and reliability.¹⁷

On February 28, 2025, USPS published its revised Service Standards for certain market-dominant services including first-class mail, periodicals, USPS marketing mail, and package services.¹⁸ According to USPS, the Service Standards align with operational initiatives that USPS plans to implement on a nationwide basis to fundamentally transform its processing and transportation networks to achieve greater operational precision and efficiency, significantly reduce costs, and enhance service pursuant to the *Delivering for America* strategic plan.¹⁹

The Service Standards maintain the existing five-day service standard day range for first-class mail, while shortening the day ranges for end-to-end marketing mail, periodicals, and package services.²⁰ The Service Standards also restructure how the days are calculated, now accounting for the sum of delivery days accruing across three successive operational legs: collection to origin processing (Leg 1); origin processing to destination processing (Leg 2); and destination processing to delivery (Leg 3).²¹ This adjustment is intended to give customers more detailed and logical information about the service they can expect.²²

USPS implemented the Service Standards in two phases. In Phase 1, effective April 1, 2025, USPS enabled implementation of its Regional Transportation Optimization (RTO) nationwide.²³ Under RTO, mail that is dropped off at a Post

https://about.usps.com/what/strategic-plans/delivering-for-america/assets/USPS_Delivering-For-America.pdf (last visited May 18, 2026) (Delivering for America). USPS subsequently updated the strategic plan in 2024. See USPS, *Delivering for America 2.0: Fulfilling the Promise* (Sept. 30, 2024), available at <https://about.usps.com/what/strategic-plans/delivering-for-america/assets/dfa-2-0-fulfilling-the-promise-2024.pdf> (last visited May 18, 2026).

¹⁷ Delivering for America, at 25–27.

¹⁸ See 90 Fed. Reg. 10857.

¹⁹ *Id.*

²⁰ 90 Fed. Reg. 10865.

²¹ *Id.* at 10869.

²² 90 Fed. Reg. 10861.

²³ 90 Fed. Reg. 10858.

Office or collection box more than 50 miles away from a regional hub will be collected the next day instead of the same day. Although RTO adds one additional day to the service expectations, products are still to be delivered within the existing day ranges. This initiative aimed to reduce costs and inefficiencies that existed with the previous model, in which separate trips were required to pick up and drop off mail to each collection and delivery facility on a daily basis.²⁴

In Phase 2, effective July 1, 2025, USPS accelerated the movement of mail in Leg 2 by expanding drive times for travel bands that establish the delivery expectation days for first-class mail.²⁵ USPS redesigned and invested in its processing facilities to create a network that deploys standardized and logically sequenced operating plans and schedules for movement of mail and packages, more sortation equipment, optimized transportation routes, and improved operating tactics.²⁶ As part of its rollout of the Service Standards, USPS also posted user-friendly tools to its website, allowing customers to understand how long it should take for mail to reach its destination.²⁷

Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires federal agencies to submit a report on each new rule to both houses of Congress and to the Comptroller General for review before a rule can take effect.²⁸ The report must contain a copy of the rule, “a concise general statement relating to the rule,” and the rule’s proposed effective date.²⁹ CRA allows Congress to review and disapprove rules issued by federal agencies for a period of 60 days using

²⁴ *Id.* at 10865–10867.

²⁵ 90 Fed. Reg. 10858.

²⁶ *Id.* at 10865.

²⁷ See USPS, *USPS Is Enhancing Service Standards* (Mar. 20, 2025), available at <https://about.usps.com/newsroom/national-releases/2025/0320-usps-is-enhancing-service-standards.htm> (last visited May 18, 2026); USPS, *USPS Transit Time Map*, available at <https://www.usps.com/service-standards/> (last visited May 18, 2026).

²⁸ 5 U.S.C. § 801(a)(1)(A).

²⁹ *Id.*

special procedures.³⁰ If a resolution of disapproval is enacted, then the new rule has no force or effect.³¹

CRA adopts the definition of a rule under the Administrative Procedure Act (APA), which states that a rule is “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.”³² However, CRA excludes three categories of rules from coverage: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.³³

USPS did not submit a CRA report to Congress or the Comptroller General on the Service Standards.³⁴ In its response to us, USPS stated that it is not an “agency” within meaning of CRA.³⁵ USPS also stated that alternatively if CRA is applicable, the Service Standards would fall within CRA’s third exception for rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.³⁶ Lastly, USPS noted that in the three decades since CRA’s enactment, it has adopted market-dominant service standards multiple times, and the issue of CRA compliance has never been raised.

DISCUSSION

At issue here is whether USPS is subject to the requirements of CRA. As explained below, we conclude that 39 U.S.C. § 410(a) exempts USPS from CRA. Because we conclude USPS is exempt from CRA, we need not address whether the Service Standards meet the definition of a rule under APA nor whether any CRA exception applies.

³⁰ 5 U.S.C. § 802.

³¹ 5 U.S.C. § 801(b)(1).

³² 5 U.S.C. §§ 551(4), 804(3).

³³ 5 U.S.C. § 804(3).

³⁴ Response Letter, at 1.

³⁵ *Id.*

³⁶ Response Letter, at 1, 9–11.

In 1970, Congress enacted the Postal Reorganization Act, establishing USPS an independent establishment of the executive branch.³⁷ With the Act, Congress sought to free postal services from direct supervision and control by the President and Congress.³⁸ The Act granted USPS considerable independence by removing it from ordinary administrative controls and legislative restrictions that typically govern agency behavior in the executive branch. For instance, the Act explicitly excluded USPS from the principal definition of “Executive agency” in title 5 of the United States Code.³⁹

The Act also granted USPS a broad exemption from many federal statutes that apply to the day-to-day administration of other federal agencies. As codified at 39 U.S.C. § 410(a), the Act provides that “no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers” by USPS.⁴⁰ Under this provision, USPS is exempt from the requirements of APA, including notice and comment rulemaking.⁴¹

Section 410(b) then goes on to specifically except a number of statutes from the 410(a) exemption. For instance, Congress has expressly made the Freedom of

³⁷ Pub. L. No. 91-375, 84 Stat. at 720; 39 U.S.C. § 201.

³⁸ See H.R. Rep. No. 91-1104, at 13 (1970) (noting that “one of the cardinal needs of postal reform is to seal off the Postal Service from partisan political influence,” and explaining the need to remove “management of the Postal Service from both presidential and congressional areas of concern”); S. Rep. No. 91-912, at 4 (1970) (noting that the authority of the Postal Service should be “independent of ordinary legislative and executive supervision and control”).

³⁹ See Pub. L. No. 91-375, §6(c)(2); 5 U.S.C. § 105 (defining “Executive agency” as “an Executive department, a Government corporation, and an independent establishment”); 5 U.S.C. § 104(1) (defining “independent establishment” as “an establishment in the executive branch (*other than the United States Postal Service or the Postal Regulatory Commission*)”) (emphasis added).

⁴⁰ 39 U.S.C. § 410(a). The Administrative Procedure Act is primarily codified at 5 U.S.C. §§ 551–559 (administrative procedures) and §§701–706 (judicial review).

⁴¹ See *National Easter Seal Society for Crippled Children & Adults v. USPS*, 656 F.2d 754, 766 (D.C. Cir. 1981).

Information Act,⁴² Privacy Act of 1974,⁴³ and the Inspector General Act of 1978⁴⁴ applicable to USPS.⁴⁵ Over the years, Congress has amended section 410(b) to make additional provisions expressly applicable to USPS.⁴⁶

In cases interpreting the 410(a) exemption, federal courts have recognized its broad scope.⁴⁷ For instance, in *American Postal Workers Union v. USPS*, the postal workers' union and a postal services consumer group alleged that USPS violated the Federal Advisory Committee Act (FACA)⁴⁸ by excluding them from a customer advisory committee.⁴⁹ The plaintiffs maintained that FACA fell outside the scope of the 410(a) exemption because it was not a "law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds."⁵⁰ The court disagreed, noting that FACA provisions dealt with officers and budgets no less directly than APA informal rulemaking provisions from which USPS is also exempt under section 410(a).⁵¹

Interpreting section 410(b), the *American Postal Workers* court invoked the canon of *expressio unius* to draw an inference regarding the applicability of FACA to USPS.⁵² The court explained that by specifically excepting a list of provisions that bore similarities to FACA from the section 410(a) exemption, Congress recognized that FACA-like provisions fell within the scope of section 410(a). Thus, in order for a statute to be applicable to USPS, it required an express exception as listed in

⁴² 5 U.S.C. § 552.

⁴³ 5 U.S.C. § 552a.

⁴⁴ 5 U.S.C. § 401.

⁴⁵ See 39 U.S.C. § 410(b).

⁴⁶ See, e.g., Pub. L. No. 94-82, 89 Stat. 419 (Aug. 9, 1975) (amending section 410(b) to include section 19 of the Occupational Safety and Health Act of 1970).

⁴⁷ See *National Easter Seal Society*, 656 F.2d at 766.

⁴⁸ 5 U.S.C. App. § 2 (2006); see 5 U.S.C. ch. 10 (current version of FACA).

⁴⁹ 541 F.Supp.2d 95 (D.D.C. 2008).

⁵⁰ *Id.* at 96 (quoting 39 U.S.C. § 410(a)).

⁵¹ *Id.* at 96.

⁵² 541 F.Supp.2d at 96–97.

section 410(b). Because FACA was not listed as an exception in section 410(b), the court concluded that Congress intended for USPS to be exempt from FACA.⁵³

As with FACA, Congress did not make CRA expressly applicable to USPS by including it as an excepted provision in section 410(b).⁵⁴ Instead, CRA is of the class of procedural and administrative legislation contemplated by the 410(a) exemption. The legislative history of the Postal Reorganization Act supports this view. The Senate sponsor of the Act noted, “Except as specified in the bill, all laws relating to public works, contracts, employment, appropriations, budgeting, *and any other laws governing agency operations* are made inapplicable to the Post Office.”⁵⁵ He also said:

Delivering the mail is simply not in the same category of policymaking and program-development as foreign policy, national defense, housing, highway construction, or health and education assistance to State and local governments. It is an essential, business-oriented service. The committee has no intention of establishing any postal system which does not have a direct and continuing responsibility to the people and to Congress, but we do believe that its role can be fulfilled with a greater degree of efficiency if it is removed from the ordinary channels, administrative controls, and legislative restrictions of other agencies in the executive branch.⁵⁶

From this we can infer that Congress intended to remove USPS broadly from the system of proceduralized review that it uses for overseeing administrative operations of other agencies. To subject USPS to the submission requirements of CRA would be at odds with the objectives of the Postal Reorganization Act, through which Congress intended that USPS ‘be run more like a business.’⁵⁷

We do acknowledge an inherent tension between the breadth of the section 410(a) exemption for USPS and the intended breadth of CRA. For example, CRA’s legislative history suggests that Congress considered the Act’s applicability to USPS, with a principal sponsor noting that the definition of “Federal agency” as used in CRA, is intended to cover “entities and establishments within the executive

⁵³ *Id.* at 98.

⁵⁴ 39 U.S.C. § 410(b).

⁵⁵ 116 Cong. Rec. 21,709 (1970) (statement of Sen. McGee) (emphasis added).

⁵⁶ *Id.*

⁵⁷ *See Franchise Tax Board of California v. USPS*, 467 U.S. 512, 519–20 (1984).

branch, *such as the U.S. Postal Service.*⁵⁸ While we recognize that CRA’s legislative history can be a useful illustration of Congress’s intent and objectives with CRA,⁵⁹ legislative history cannot displace the language of duly enacted law.⁶⁰ In this case, the Postal Reorganization Act makes clear that “no Federal law” dealing with public contracts, property, works, officers, or funds shall apply to the exercise of powers of USPS and subsequently notes specific exceptions thereto.⁶¹ While Congress may have considered applying CRA to USPS, Congress did not expressly add CRA to the list of exceptions, as it did with other laws. CRA is not specifically excepted from the broad exemption of section 410(a); therefore, CRA is not applicable to USPS.⁶²

⁵⁸ 142 Cong. Rec. H3005 (daily ed. Mar 28, 1996) (statement of Rep. McIntosh) (emphasis added).

⁵⁹ See, e.g., B-336512, Aug. 29, 2024; B-335488, Oct. 18, 2023; B-331171, Dec. 17, 2020.

⁶⁰ See *Connecticut National Bank v. Germain*, 503 U.S. 249, 253–54 (1992) (“[I]n interpreting a statute a court should always turn first to one, cardinal canon before all others. We have stated time and again that courts must presume that a legislature says in a statute what it means and means in a statute what it says there.”); *United States v. Trans-Missouri Freight Ass’n*, 166 U.S. 290, 318 (1897) (“Looking simply at the history of the bill from the time it was introduced in the Senate until it was finally passed, it would be impossible to say what were the views of a majority of the members of each house in relation to the meaning of the act.”); *Aldridge v. Williams*, 44 U.S. 9, 24 (1844) (“The law as it passed is the will of the majority of both houses, and the only mode in which that will is spoken is in the act itself; and we must gather their intention from the language there used. . . .”).

⁶¹ 39 U.S.C. § 410(a)–(b).

⁶² Contemporaneous interpretations of CRA’s applicability when the Act was first implemented also support this view. In 1998, Congress directed the Office of Management and Budget (OMB) to issue guidance to agencies regarding CRA. See Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L. No. 105-277, 112 Stat. 2681, 2681-495 (Oct. 21, 1998). In its March 1999 guidance, OMB specified that CRA applies to every executive branch agency as defined by the APA, including independent regulatory commissions and boards. However, OMB went on to state that the APA definition of “agency” is informed by the general definitions in sections 101 through 105 of the United States Code, with section 105 explicitly excluding USPS from the definition of “Executive Agency.” OMB, *Guidance for Implementing the Congressional Review Act*, M-99-13 (Mar. 30, 1999), at 3.

CONCLUSION

39 U.S.C. § 410(a) exempts USPS from CRA. Therefore, the Service Standards are not subject to CRA's submission requirements. We take no position on whether the Service Standards would be a rule for purposes of CRA were USPS subject to CRA's requirements.

A handwritten signature in black ink that reads "Edda Emmanuelli Perez". The signature is written in a cursive style with a large initial 'E' and a long, sweeping tail on the 'z'.

Edda Emmanuelli Perez
General Counsel