

- (d) Each report shall—
  - (1) review the success of achieving the performance goals of the fiscal year;
  - (2) evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;
  - (3) explain and describe, where a performance goal has not been met (including when a program activity’s performance is determined not to have met the criteria of a successful program activity under section 2803(b)(2))—
    - (A) why the goal was not met;
    - (B) those plans and schedules for achieving the established performance goal; and
    - (C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended; and
  - (4) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

(Added Pub. L. 103–62, §7, Aug. 3, 1993, 107 Stat. 294; amended Pub. L. 109–435, title X, §1010(d)(2), Dec. 20, 2006, 120 Stat. 3261.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–435 substituted “section 2401(e)” for “section 2401(g)”.

§ 2805. Inherently Governmental functions

The functions and activities of this chapter shall be considered to be inherently Governmental functions. The drafting of strategic plans, performance plans, and program performance reports under this section shall be performed only by employees of the Postal Service. (Added Pub. L. 103–62, §7, Aug. 3, 1993, 107 Stat. 294.)

PART IV—MAIL MATTER

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CHAPTER 30—NONMAILABLE MATTER

Sec.	
3001.	Nonmailable matter.
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3002a.	Nonmailability of locksmithing devices.
3003.	Mail bearing a fictitious name or address.
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3005.	False representations; lotteries.
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3007.	Detention of mail for temporary periods.
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3009.	Mailing of unordered merchandise.
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3011.	Judicial enforcement.
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3013.	Semiannual reports on investigative activities of the Postal Service.
3014.	Nonmailable plants.
3015.	Nonmailable plant pests and injurious animals.
3016.	Administrative subpoenas.
3017.	Nonmailable skill contests or sweepstakes matter; notification to prohibit mailings.
3018.	Hazardous material.

Sec.

AMENDMENTS

- 2006—Pub. L. 109–435, title X, §1008(c)(2), Dec. 20, 2006, 120 Stat. 3260, added item 3018.
- 1999—Pub. L. 106–168, title I, §§105(b)(1), 107(d), 108(b), Dec. 12, 1999, 113 Stat. 1811, 1814, 1816, repealed item 3006 “Unlawful matter” and added items 3016 and 3017.
- 1992—Pub. L. 102–393, title VI, §631(d)(2), Oct. 6, 1992, 106 Stat. 1776, added item 3015.
- 1988—Pub. L. 100–690, title VII, §7090(b), Nov. 18, 1988, 102 Stat. 4410, added item 3002a.
- Pub. L. 100–574, §1(a)(2), Oct. 31, 1988, 102 Stat. 2893, added item 3014.
- 1983—Pub. L. 98–186, §3(c), Nov. 30, 1983, 97 Stat. 1317, added items 3012 and 3013.

§ 3001. Nonmailable matter

(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1715, 1716, 1717, or 1738<sup>1</sup> of title 18, or section 26 of the Animal Welfare Act is nonmailable.

(b) Except as provided in subsection (c) of this section, nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Postal Service shall direct.

(c)(1) Matter which—

- (A) exceeds the size and weight limits prescribed for the particular class of mail; or
- (B) is of a character perishable within the period required for transportation and delivery;

is nonmailable.

(2) Matter made nonmailable by this subsection which reaches the office of destination may be delivered in accordance with its address, if the party addressed furnishes the name and address of the sender.

(d) Matter otherwise legally acceptable in the mails which—

- (1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but
- (2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

(A) the following notice: “This is a solicitation for the order of goods or services, or both, and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.”; or

(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

(e)(1) Any matter which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physi-

<sup>1</sup> See References in Text note below.