

(d) The Postal Service may prepare a non-public annex to its plan covering program activities or parts of program activities relating to—

- (1) the avoidance of interference with criminal prosecution; or
- (2) matters otherwise exempt from public disclosure under section 410(c) of this title.

(Added Pub. L. 103-62, §7, Aug. 3, 1993, 107 Stat. 293; 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)” in introductory provisions.

§ 2804. Program performance reports

(a) The Postal Service shall prepare a report on program performance for each fiscal year, which shall be included in the annual comprehensive statement presented under section 2401(e) of this title.

(b)(1) The program performance report shall set forth the performance indicators established in the Postal Service performance plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

(2) If performance goals are specified by descriptive statements of a minimally effective program activity and a successful program activity, the results of such program shall be described in relationship to those categories, including whether the performance failed to meet the criteria of either category.

(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

(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

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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 non-mailable.

(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—

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