

(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.)

CHAPTER 29—PROPERTY MANAGEMENT

Sec.
2901. Definitions.
2902. Property management.

§ 2901. Definitions

In this chapter:

(1) **EXCESS PROPERTY.**—The term “excess property” means any postal property that the Postal Service determines is not required to meet the needs or responsibilities of the Postal Service.

(2) **POSTAL PROPERTY.**—The term “postal property” means any property owned or leased by the Postal Service.

(3) **UNDERUTILIZED PROPERTY.**—The term “underutilized property” means a portion or the entirety of any real property that is postal property, including any improvements, that is used—

(A) irregularly or intermittently by the Postal Service for program purposes of the Postal Service; or

(B) for program purposes that can be satisfied only with a portion of the property.

(Added Pub. L. 114–318, § 4(a), Dec. 16, 2016, 130 Stat. 1613.)

§ 2902. Property management

(a) **IN GENERAL.**—The Postal Service—

(1) shall maintain adequate inventory controls and accountability systems for postal property;

(2) shall develop current and future workforce projections so as to have the capacity to assess the needs of the Postal Service workforce regarding the use of property;

(3) may develop a 5-year management template that—

(A) establishes goals and policies that will lead to the reduction of excess property and underutilized property in the inventory of the Postal Service;

(B) adopts workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets;

(C) assesses leased space to identify space that is not fully used or occupied;

(D) develops recommendations on how to address excess capacity at Postal Service facilities without negatively impacting mail delivery; and

(E) develops recommendations on ensuring the security of mail processing operations; and

(4) if the Postal Service develops a template under paragraph (3) shall, as part of that template and on a regular basis—

(A) conduct an inventory of postal property that is real property; and

(B) publish a report that covers each property identified under subparagraph (A), similar to the USPS Owned Facilities Report and the USPS Leased Facilities Report, that includes—

(i) the date on which the Postal Service first occupied the property;

(ii) the size of the property in square footage and acreage;

(iii) the geographical location of the property, including an address and description;

(iv) the extent to which the property is being utilized;

(v) the actual annual operating costs associated with the property;

(vi) the total cost of capital expenditures associated with the property;

(vii) the number of postal employees, contractor employees, and functions housed at the property;

(viii) the extent to which the mission of the Postal Service is dependent on the property; and

(ix) the estimated amount of capital expenditures projected to maintain and operate the property over each of the next 5 years after the date of enactment of this chapter.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)(4)(B) shall be construed to require the Postal Service to obtain an appraisal of postal property.

(Added Pub. L. 114–318, §4(a), Dec. 16, 2016, 130 Stat. 1613.)

REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (a)(4)(B)(ix), is the date of enactment of Pub. L. 114–318, which was approved Dec. 16, 2016.

PART IV—MAIL 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 1738¹ 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 in-

¹ See References in Text note below.