

Security may take under section 1315 of title 40, with respect to that property.

SEC. 1002. OBSOLETE PROVISIONS.

(a) REPEAL.—

(1) IN GENERAL.—Chapter 52 of title 39, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 5005(a) of title 39, United States Code, is amended—

(i) by striking paragraph (1), and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(ii) in paragraph (3) (as so designated by clause (i)), by striking “(as defined in section 5201(6) of this title)”.

(B) Section 5005(b) of such title 39 is amended by striking “(a)(4)” each place it appears and inserting “(a)(3)”.

(C) Section 5005(c) of such title 39 is amended by striking “by carrier or person under subsection (a)(1) of this section, by contract under subsection (a)(4) of this section, or” and inserting “by contract under subsection (a)(3) of this section or”.

(b) ELIMINATING RESTRICTION ON LENGTH OF CONTRACTS.—(1) Section 5005(b)(1) of title 39, United States Code, is amended by striking “(or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years)” and inserting “(or such longer period of time as may be determined by the Postal Service to be advisable or appropriate)”.

(2) Section 5402(d) of such title 39 is amended by striking “for a period of not more than 4 years”.

(3) Section 5605 of such title 39 is amended by striking “for periods of not in excess of 4 years”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V of title 39, United States Code, is amended by repealing the item relating to chapter 52.

SEC. 1003. REDUCED RATES.

Section 3626 of title 39, United States Code, is amended—

(1) in subsection (a), by striking all before paragraph (4) and inserting the following:

“(a)(1) Except as otherwise provided in this section, rates of postage for a class of mail or kind of mailer under former section 4358, 4452(b), 4452(c), 4554(b), or 4554(c) of this title shall be established in accordance with section 3622.

“(2) For the purpose of this subsection, the term ‘regular-rate category’ means any class of mail or kind of mailer, other than a class or kind referred to in section 2401(c).

“(3) Rates of postage for a class of mail or kind of mailer under former section 4358(a) through (c) of this title shall be established so that postage on each mailing of such mail reflects its preferred status as compared to the postage for the most closely corresponding regular-rate category mailing.”.

(2) in subsection (g), by adding at the end the following:

“(3) For purposes of this section and former section 4358(a) through (c) of this title, those copies of an issue of a publication entered within the county in which it is published, but distributed outside such county on postal carrier routes originating in the county of publication, shall be treated as if they were distributed within the county of publication.

“(4)(A) In the case of an issue of a publication, any number of copies of which are mailed at the rates of postage for a class of mail or kind of mailer under former section 4358(a) through (c) of this title, any copies of such issue which are distributed outside the county of publication (excluding any copies subject to paragraph (3)) shall be subject to rates of postage provided for under this paragraph.

“(B) The rates of postage applicable to mail under this paragraph shall be established in accordance with section 3622.

“(C) This paragraph shall not apply with respect to an issue of a publication unless the

total paid circulation of such issue outside the county of publication (not counting recipients of copies subject to paragraph (3)) is less than 5,000.”; and

(3) by adding at the end the following:

“(n) In the administration of this section, matter that satisfies the circulation standards for requester publications shall not be excluded from being mailed at the rates for mail under former section 4358 solely because such matter is designed primarily for free circulation or for circulation at nominal rates, or fails to meet the requirements of former section 4354(a)(5).”.

SEC. 1004. SENSE OF CONGRESS REGARDING POSTAL SERVICE PURCHASING REFORM.

It is the sense of Congress that the Postal Service should—

(1) ensure the fair and consistent treatment of suppliers and contractors in its current purchasing policies and any revision or replacement of such policies, such as through the use of competitive contract award procedures, effective dispute resolution mechanisms, and socioeconomic programs; and

(2) implement commercial best practices in Postal Service purchasing policies to achieve greater efficiency and cost savings as recommended in July 2003 by the President’s Commission on the United States Postal Service, in a manner that is compatible with the fair and consistent treatment of suppliers and contractors, as befitting an establishment in the United States Government.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, and the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2750, 2751, 2752, and 2753) were agreed to, as follows:

AMENDMENT NO. 2750

(Purpose: To modify provisions relating to objectives, unused rate adjustment authority, transition rules, rate and service complaints, and for other purposes)

On page 133, line 25, insert before the colon “, each of which shall be applied in conjunction with the others”.

On page 134, between lines 21 and 22, insert the following:

“(8) To establish and maintain a just and reasonable schedule for rates and classifications, however the objective under this paragraph shall not be construed to prohibit the Postal Service from making changes of unequal magnitude within, between, or among classes of mail.

On page 135, strike lines 1 through 3.

On page 135, line 4, strike “(2)” and insert “(1)”.

On page 135, line 9, strike “(3)” and insert “(2)”.

On page 135, line 15, strike “(4)” and insert “(3)”.

On page 135, line 19, strike “(5)” and insert “(4)”.

On page 135, line 22, strike “(6)” and insert “(5)”.

On page 136, line 1, strike “(7)” and insert “(6)”.

On page 136, line 5, strike “(8)” and insert “(7)”.

On page 136, line 8, strike “(9)” and insert “(8)”.

On page 136, line 12, strike “(10)” and insert “(9)”.

On page 136, line 16, strike “(11)” and insert “(10)”.

On page 136, line 19, strike “(12)” and insert “(11)”.

On page 136, line 21, strike “(13)” and insert “(12)”.

On page 137, line 1, strike “(14)” and insert “(13)”.

On page 138, line 19, strike “The” and insert “Except as provided under subparagraph (C), the”.

On page 139, strike lines 8 through 17, and insert the following:

“(C) USE OF UNUSED RATE AUTHORITY.—

“(i) DEFINITION.—In this subparagraph, the term ‘unused rate adjustment authority’ means the difference between—

“(I) the maximum amount of a rate adjustment that the Postal Service is authorized to make in any year subject to the annual limitation under paragraph (1); and

“(II) the amount of the rate adjustment the Postal Service actually makes in that year.

“(ii) AUTHORITY.—Subject to clause (iii), the Postal Service may use any unused rate adjustment authority for any of the 5 years following the year such authority occurred.

“(iii) LIMITATIONS.—In exercising the authority under clause (ii) in any year, the Postal Service—

“(I) may use unused rate adjustment authority from more than 1 year;

“(II) may use any part of the unused rate adjustment authority from any year;

“(III) shall use the unused rate adjustment authority first occurred and then each following year; and

“(IV) for any class or service, may not exceed the annual limitation under paragraph (1) by more than 2 percentage points.

On page 142, strike lines 5 through 10, and insert the following:

“(f) TRANSITION RULE.—For the 1-year period beginning on the date of enactment of this section, rates and classes for market-dominant products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were last in effect before the date of enactment of this section. Proceedings initiated to consider a request for a recommended decision filed by the Postal Service during that 1-year period shall be completed in accordance with subchapter II of chapter 36 of this title and implementing regulations, as in effect before the date of enactment of this section.”.

On page 162, line 10, strike all through page 164, line 9, and insert the following:

“§3662. Rate and service complaints

“(a) IN GENERAL.—Any interested party (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of the provisions of chapter 1 (except section 101(c)), sections 401, 403, 404, 404a, 601, or this chapter (or regulations promulgated under any of those provisions) may lodge a complaint with the Postal Regulatory Commission in such form and manner as the Commission may prescribe.

“(b) PROMPT RESPONSE REQUIRED.—

“(1) IN GENERAL.—The Postal Regulatory Commission shall, within 90 days after receiving a complaint under subsection (a)—

“(A) either—

“(i) upon a finding that such complaint raises substantial and material issues of fact or law, begin proceedings on such complaint; or

“(ii) issue an order dismissing the complaint; and

“(B) with respect to any action taken under subparagraph (A) (i) or (ii), issue a written statement setting forth the bases of its determination.

“(2) TREATMENT OF COMPLAINTS NOT TIMELY ACTED ON.—For purposes of section 3663, any complaint under subsection (a) on which the