

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend title 18, United States Code, and title 39, United States Code, to provide the United States Postal Service the authority to mail alcoholic beverages, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY (for himself, Mrs. GILLIBRAND, Mr. WELCH, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 18, United States Code, and title 39, United States Code, to provide the United States Postal Service the authority to mail alcoholic beverages, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “United States Postal  
5       Service Shipping Equity Act”.

6       **SEC. 2. SHIPPING OF ALCOHOLIC BEVERAGES.**

7       (a) MAILABILITY.—

1           (1) NONMAILABLE ARTICLES.—Section 1716(f)  
2           of title 18, United States Code, is amended by strik-  
3           ing “mails” and inserting “mails, except to the ex-  
4           tent that the mailing is allowable under section  
5           3001(p) of title 39”.

6           (2) ALCOHOLIC BEVERAGES.—Section 1154(a)  
7           of title 18, United States Code, is amended, by in-  
8           serting “or, with respect to the mailing of alcoholic  
9           beverages to the extent allowed under section  
10          3001(p) of title 39” after “mechanical purposes”.

11          (b) REGULATIONS.—Section 3001 of title 39, United  
12          States Code, is amended by adding at the end the fol-  
13          lowing:

14          “(p)(1) Alcoholic beverages shall be considered mail-  
15          able if mailed—

16                 “(A) by a covered entity in accordance with ap-  
17                 plicable regulations under paragraph (2); and

18                 “(B) in accordance with the delivery require-  
19                 ments otherwise applicable to a privately carried  
20                 shipment of an alcoholic beverage in the State, terri-  
21                 tory, or district of the United States where the ad-  
22                 dressee or duly authorized agent takes delivery.

23          “(2) The Postal Service shall prescribe such regula-  
24          tions as may be necessary to carry out this subsection,  
25          including regulations providing that—

1           “(A) the mailing shall be by a means estab-  
2           lished by the Postal Service to ensure direct delivery  
3           to the addressee or a duly authorized agent at a  
4           postal facility;

5           “(B) the addressee (and any duly authorized  
6           agent) shall be an individual at least 21 years of  
7           age, and shall present a valid, Government-issued  
8           photo identification at the time of delivery;

9           “(C) the alcoholic beverage may not be for re-  
10          sale or other commercial purpose; and

11          “(D) the covered entity involved shall—

12                 “(i) certify in writing to the satisfaction of  
13                 the Postal Service, through a registration proc-  
14                 ess administered by the Postal Service, that the  
15                 mailing is not in violation of any provision of  
16                 this subsection or regulation prescribed under  
17                 this subsection; and

18                 “(ii) provide any other information or af-  
19                 firmation that the Postal Service may require,  
20                 including with respect to the prepayment of  
21                 State alcohol beverage taxes.

22          “(3) For purposes of this subsection—

23                 “(A) the term ‘alcoholic beverage’ has the  
24                 meaning given such term in section 203 of the Fed-

1       eral Alcohol Administration Act (27 U.S.C. 214);  
2       and

3               “(B) the term ‘covered entity’ means an entity  
4       (including a winery, brewery, or beverage distilled  
5       spirits plant, or other wholesaler, distributor, im-  
6       porter, or retailer of alcoholic beverages) that has  
7       registered with, obtained a permit from, or obtained  
8       approval of a notice or an application from, the Sec-  
9       retary of the Treasury pursuant to—

10               “(i) the Federal Alcohol Administration  
11       Act (27 U.S.C. 201 et seq.); or

12               “(ii) Chapter 51 of the Internal Revenue  
13       Code of 1986 (26 U.S.C. 5001 et seq.).”.

14       (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall take effect on the earlier of—

16               (1) the date on which the United States Postal  
17       Service issues regulations under section 3001(p) of  
18       title 39, United States Code, as added by subsection  
19       (b); or

20               (2) the date that is 2 years after the date of en-  
21       actment of this Act.

22       (d) NO PREEMPTION OF STATE, LOCAL, OR TRIBAL  
23 LAWS PROHIBITING DELIVERIES, SHIPMENTS, OR  
24 SALES.—Nothing in this section, the amendments made  
25 by this section, or any regulation promulgated under this

1 section or the amendments made by this section, shall be  
2 construed to preempt, supersede, or otherwise limit or re-  
3 strict any State, local, or Tribal law that prohibits or regu-  
4 lates the delivery, shipment, or sale of alcoholic beverages.

5 (e) LIABILITY OF THE UNITED STATES POSTAL  
6 SERVICE.—Any district court of the United States shall  
7 have jurisdiction to render judgment upon any claim  
8 brought by a State, local, or Tribal government against  
9 the United States Postal Service of a violation of State,  
10 local, or Tribal law relating to the sale, mailing, transpor-  
11 tation, or importation of alcoholic beverages into any  
12 State, territory, or district of the United States. The  
13 United States Postal Service shall be liable in the same  
14 manner and to the same extent as a private individual  
15 under like circumstances, but shall not be liable for inter-  
16 est prior to judgment or for punitive damages.