

118TH CONGRESS  
1ST SESSION

# H. R. 3721

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 HOUSE OF REPRESENTATIVES

MAY 25, 2023

Mr. NEWHOUSE (for himself, Ms. WEXTON, Ms. BONAMICI, Ms. NORTON, Mr. GRIJALVA, Mrs. CHAVEZ-DEREMÉR, Ms. LOFGREN, Mr. CLEAVER, Ms. MACE, Ms. HOYLE of Oregon, and Mr. BEYER) introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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”.

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

2 (a) MAILABILITY.—

3 (1) NONMAILABLE ARTICLES.—Section 1716(f)  
4 of title 18, United States Code, is amended by strik-  
5 ing “mails” and inserting “mails, except to the ex-  
6 tent that the mailing is allowable under section  
7 3001(p) of title 39”.

8 (2) ALCOHOLIC BEVERAGES.—Section 1154(a)  
9 of title 18, United States Code, is amended, by in-  
10 serring “or, with respect to the mailing of alcoholic  
11 beverages to the extent allowed under section  
12 3001(p) of title 39” after “mechanical purposes”.

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

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

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

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

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

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

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

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

14           “(D) the covered entity involved shall—

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

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

25       “(3) For purposes of this subsection—

1           “(A) the term ‘alcoholic beverage’ has the  
2 meaning given such term in section 203 of the Fed-  
3 eral Alcohol Administration Act (27 U.S.C. 214);  
4 and

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

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

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

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

18           (1) the date on which the Postal Service issues  
19 regulations under section 3001(p) of title 39, United  
20 States Code, as amended by this section; or

21           (2) 2 years after the date of enactment of this  
22 Act.

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

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

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

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