

113TH CONGRESS
1ST SESSION

H. R. 1718

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2013

Ms. SPEIER introduced the following bill; which was referred to the Committee on Oversight and Government Reform, 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

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 wine and beer, 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. WINE AND BEER SHIPPING.**

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) INTOXICANTS.—Section 1154(a) of title 18,
7 United States Code, is amended, by inserting “or,
8 with respect to the mailing of wine or malt bev-
9 erages, to the extent allowed under section 3001(p)
10 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) Wine or malt beverages shall be considered
15 mailable if mailed—

16 “(A) by a licensed winery or brewery, in accord-
17 ance with applicable regulations under paragraph
18 (2); and

19 “(B) in accordance with the law of the State,
20 territory, or district of the United States where the
21 addressee or duly authorized agent takes delivery.

22 “(2) The Postal Service shall prescribe such regula-
23 tions as may be necessary to carry out this subsection,
24 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 wine or malt beverages may not be for
10 resale or other commercial purpose; and

11 “(D) the winery or brewery 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) a winery shall be considered to be licensed
24 if that winery holds an appropriate basic permit
25 issued—

1 “(i) under the Federal Alcohol Administra-
2 tion Act (27 U.S.C. 201 et seq.); and

3 “(ii) under the law of the State in which
4 the winery is located; and

5 “(B) a brewery shall be considered to be li-
6 censed if that brewery—

7 “(i) possesses a notice of registration and
8 bond approved by the Alcohol and Tobacco Tax
9 and Trade Bureau of the Department of the
10 Treasury; and

11 “(ii) is licensed to manufacture and sell
12 beer in the State in which the brewery is lo-
13 cated.”.

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 Postal Service issues
17 regulations under section 3001(p) of title 39, United
18 States Code, as amended by this section; or

19 (2) 120 days after the date of enactment of this
20 Act.

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