

**AMENDMENT TO H.R. \_\_\_\_\_**  
**(POSTAL SERVICE IMPROVEMENT ACT)**  
**OFFERED BY MS. SPEIER OF CALIFORNIA**

At the end of the bill, add the following:

1 **SEC. \_\_\_\_ . 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 sserting “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

1           “(B) in accordance with the delivery require-  
2           ments otherwise applicable to a privately carried  
3           shipment of an alcoholic beverage in the State, terri-  
4           tory, or district of the United States where the ad-  
5           dressee or duly authorized agent takes delivery.

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

9           “(A) the mailing shall be by a means estab-  
10          lished by the Postal Service to ensure direct delivery  
11          to the addressee or a duly authorized agent at a  
12          postal facility;

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

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

19          “(D) the covered entity involved shall—

20                 “(i) certify in writing to the satisfaction of  
21                 the Postal Service, through a registration proc-  
22                 ess administered by the Postal Service, that the  
23                 mailing is not in violation of any provision of  
24                 this subsection or regulation prescribed under  
25                 this subsection; and

1           “(ii) provide any other information or af-  
2           firmation that the Postal Service may require,  
3           including with respect to the prepayment of  
4           State alcohol beverage taxes.

5           “(3) For purposes of this subsection—

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

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

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

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

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

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

1           (2) 2 years after the date of enactment of this  
2       Act.

3       (d) NO PREEMPTION OF STATE, LOCAL, OR TRIBAL  
4 LAWS PROHIBITING DELIVERIES, SHIPMENTS, OR  
5 SALES.—Nothing in this section, the amendments made  
6 by this section, or any regulation promulgated under this  
7 section or the amendments made by this section, shall be  
8 construed to preempt, supersede, or otherwise limit or re-  
9 strict any State, local, or Tribal law that prohibits or regu-  
10 lates the delivery, shipment, or sale of alcoholic beverages.

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

