



POSTAL SERVICE

39 CFR Parts 111 and 211

Revised Mailing Standards for Firearms

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service is proposing to amend Publication 52, *Hazardous, Restricted, and Perishable Mail* (Publication 52), to conform with the opinion of the Department of Justice's Office of Legal Counsel regarding the constitutionality of Section 1715 of title 18 U.S. Code, which prohibits the mailing of concealable firearms.

DATES: Submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Mail or deliver written comments to the Director, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 4446, Washington, DC 20260-5015. If sending comments by email, include the name and address of the commenter and send to PCFederalRegister@usps.gov, with a subject line of "Shipping Firearms." Faxed comments will not be accepted.

You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor North, Washington, DC 20260. These records are generally available for review Monday through Friday, 8 a.m. to 4 p.m., by calling 202-268-2906.

FOR FURTHER INFORMATION CONTACT: Dale Kennedy, (202) 268-6592, or Jennifer Cox, (202) 268-2108.

SUPPLEMENTARY INFORMATION: All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any

material in your comments that you consider to be confidential or inappropriate for public disclosure.

The Postal Service proposes to amend Publication 52, *Hazardous, Restricted, and Perishable Mail* (Publication 52), with the provisions set forth herein. While not codified in title 39 of the Code of Federal Regulations (CFR), Publication 52 is a regulation of the Postal Service, and changes to it may be published in the *Federal Register*. 39 CFR 211.2(a)(2). Moreover, Publication 52 is incorporated by reference into *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) section 601.8.1, which is incorporated by reference, in turn, into the Code of Federal Regulations. 39 CFR 111.1 and 111.3. Publication 52 is publicly available, in a read-only format, via the Postal Explorer® website at <https://pe.usps.com>. In addition, links to Postal Explorer are provided on the landing page of *USPS.com*, the Postal Service's primary customer-facing website, and on *Postal Pro*, an online informational source available to postal customers.

Background:

Section 1715 of title 18 U.S. Code provides that certain firearms are nonmailable. The Postal Service implements section 1715 via subchapter 43 of Publication 52.

On January 15, 2026, the Office of Legal Counsel (OLC) at the Department of Justice issued a Memorandum Opinion for the Attorney General concluding that Section 1715 of title 18 U.S. Code "is unconstitutional as applied to constitutionally protected firearms, including handguns, because it serves an illegitimate purpose and is inconsistent with the Nation's tradition of firearm regulation." *Constitutionality of 18 U.S.C. § 1715*, 50 O.L.C. ___ (Jan. 15, 2026) (slip op.), available at <https://www.justice.gov/olc/media/1424001/dl>. OLC further

concluded that the “Postal Service should modify its regulations to conform with the scope of the Second Amendment as described in [the OLC] opinion.” *Id.* at *15.

The Postal Service defers to OLC’s judgment as to the lawful scope of this criminal statute and worked in consultation with OLC to develop the proposed revisions to our mailability regulations. Revisions to Publication 52 specify clear definitions of “mailable firearms” and “nonmailable firearms” consistent with OLC’s opinion. The proposed revisions expand the scope of mailable firearms compared to the existing regulations by allowing lawful handguns to be mailed under the same terms and conditions as lawful rifles and shotguns. These conditions continue to require, among other things, that mailed firearms be unloaded. Additionally, otherwise nonmailable handguns will remain mailable between authorized persons consistent with Section 1715. The regulations also continue to specify that mailers must continue to adhere to nonpostal statutes and regulations that regulate the possession, transport, and transfer of firearms, including the Gun Control Act (18 U.S.C. 922) and its implementing regulations (27 CFR Part 478).

Request for Comments

As noted, the Postal Service defers to OLC’s judgment as to the lawful scope of this criminal statute and worked in consultation with OLC to develop the proposed revisions to our mailability regulations. Comments regarding the merits of OLC’s opinion, including the scope of firearms that are mailable and nonmailable under the Second Amendment, are therefore outside the scope of this rulemaking. Comments on all other aspects of the proposed changes, and in particular the clarity and understandability for users of the mail, are appreciated.

Accordingly, for the reasons stated in the preamble, the Postal Service proposes to amend Publication 52 as follows:

Publication 52, Hazardous, Restricted and Perishable Mail

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4 Restricted Matter

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43 Firearms

[Revise subchapter 43 to read as follows:]

431 Definitions

431.1 Firearms Definitions

The following definitions apply:

- a. **Machinegun:** any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.
- b. **Rifle:** a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

- c. **Shotgun:** a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.
- d. **Any Other Weapon:** any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.
- e. **Handgun:** a pistol, revolver, or other firearm capable of being concealed on a person.
- f. **Curio or Relic:** Firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:
 - 1. Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

2. Firearms which are certified by the curator of a municipal, state, or federal museum which exhibits firearms to be curios or relics of museum interest; and
 3. Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less.
- g. **Air Gun:** any weapon that expels projectiles using compressed air or other gas (including paintball and pellet guns). Air guns are not regulated as firearms unless they are manufactured with frames or receivers of an actual firearm.

Note: When compressed air is included in packages, shipments must adhere to the hazardous materials requirements within 342.

431.2 Firearms Subject to the National Firearms Act

- a. Shotguns having a barrel or barrels of less than 18 inches in length;
- b. Weapons made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;
- c. Rifles having a barrel or barrels of less than 16 inches in length;
- d. Weapons made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;

- e. Any Other Weapon;
- f. Machineguns; and
- g. Destructive devices meaning (1) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell is generally recognized as particularly suitable for sporting purposes; and (2) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in (1).

431.3 Mailable and Nonmailable Firearms

Lawful firearms, including pistols, revolvers, shotguns, and rifles, are mailable (“Mailable Firearms”). Firearms that are otherwise generally unlawful to possess—such as those identified in 431.2 or those that, after removal of grips, stocks, and magazines, are not detectable by metal detectors and x-ray machines—are nonmailable (“Nonmailable Firearms”), except subject to Section 432.2.

431.4 Federal Firearms License

Federal Firearms Licenses (FFLs) are issued by the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), under the Gun Control Act of 1968, and are defined under the Code of Federal Regulations, Title 27, Part 478 (27 CFR Part 478), as follows:

- a. Manufacturer, Dealer, or Importer: Any entity or individual engaged in the business of selling firearms at wholesale or retail, repair (gunsmith), pawnbroker, manufacturer, or importing of firearms into the United States.

- b. Curio and Relic Collector: Any entity or individual who sells, trades, transfers, acquires, holds, or disposes of firearms as curios or relics.

432 Mailability

432.1 General

Mailers must comply with the Gun Control Act of 1968, all provisions of postal law, and all other federal and state regulations and local ordinances affecting the movement of firearms. For Mailable Firearms, the following also applies:

- a. The Postal Service may require the mailer to open packages containing Mailable Firearms or give written certification that the weapon is unloaded.
- b. No markings of any kind that indicate the nature of the contents may be placed on the outside wrapper or container of any mailpiece containing Mailable Firearms.
- c. Mailable matter must be properly and securely packaged within the general packaging requirements in DMM 601.1-6.
- d. All Mailable Firearms must be mailed using a USPS product or Extra Service that provides tracking and signature capture at delivery, unless shipped between licensed dealers, manufacturers, or importers.

432.2 Otherwise Nonmailable Handguns that May be Mailed in Authorized Circumstances

Handguns that are Nonmailable Firearms under 431.3 may be mailed between the parties listed in 432.21, after the filing of an affidavit or statement described in 432.22 or 432.24, and are subject to the following:

432.21 Authorized Persons

Subject to 432.22, handguns that are Nonmailable Firearms under 431.3 may be mailed by licensed firearm manufacturers, dealers, importers, or authorized agents of federal or state, territory, or district governments, only upon filing the

required affidavit or certificate and when addressed to a person in one of the following categories for use in the person's official duties:

- a. **Military Officers:** Officers of the Army, Coast Guard, Air Force, Navy, Marine Corps, or Organized Reserve Corps.
- b. **National Guard Officers:** Officers of the National Guard or militia of a state, territory, or district.
- c. **Law Enforcement Officers:** Officers of the United States or of a state, territory, or district, whose official duty is to serve warrants of arrest or commitment.
- d. **Authorized Postal Service Employees:** Postal Service employees authorized by the Chief Postal Inspector.
- e. **Federal Enforcement Officers:** Officers and employees of enforcement agencies of the United States.
- f. **Federal and State Watchmen:** Watchmen engaged in guarding the property of the United States, a state, territory, or district.
- g. **Purchasing Agents:** Designated member of agencies employing officers and employees as outlined in 432.21(c-f).

432.22 Affidavit of Addressee

Authorized persons must submit, at the time of mailing, an affidavit signed by the addressee certifying that the addressee is qualified to receive the firearm under a particular category of 432.21(a-g), and that the firearm is intended for the addressee's official use. The affidavit must also bear a certificate stating that the firearm is for the official duty use of the addressee, signed by the appropriate official, as follows:

- a. For officers of Armed Forces, by the commanding officer.

- b. For officers and employees of enforcement agencies, by the head of the agency employing the addressee to perform the official duty with which the firearm is to be used.
- c. For watchmen, by the chief clerk of the department, bureau, or independent branch of the government of the United States, the state, the territory, or the district by which the watchman is employed.
- d. For the purchasing agent or other designated member of enforcement agencies, by the head of such agency, that the firearm is to be used by an officer or employee included in 432.21(c-f).

432.23 Manufacturers, Dealers, and Importers

Handguns that are Nonmailable Firearms under 431.3 may be mailed between licensed firearm manufacturers, dealers, and importers in customary trade shipments, or for repairing or replacing parts.

432.24 Certificate of Manufacturers, Dealers, and Importers

Federal firearms licensee manufacturers, dealers, or importers are exempt from the affidavit requirement under 432.22 but must file a statement with the postmaster on PS Form 1508, *Statement by Shipper of Firearms*, signed by the mailer to confirm that:

- a. They are a licensed firearm manufacturer, dealer, or importer; and
- b. The packages containing handguns, or parts and components thereof, are for customary trade shipments or contain such articles for repairing or replacing parts.

The statement must verify, to the best of the mailer's knowledge, the addressees are licensed firearm manufacturers, dealers, or importers. *Registered Mail* service is recommended.

Postmasters may forward unsatisfactory mailer statements to the PCSC for a ruling.

432.25 Federal and Other Law Enforcement Agencies

Handguns that are Nonmailable Firearms under 431.3 may be mailed without restrictions under 432.21 through 432.24 in the following cases:

- a. **Scientific and Crime Detection Bureaus:** Mail addressed to a scientific laboratory or crime detection bureau of federal, state, or local law enforcement agencies with authority to serve warrants of arrest or commitment.
- b. **Official Federal Shipments:** Mail sent by an authorized federal agent as official shipments to any qualified addressee in 432.21, licensed firearm manufacturers, dealers, or importers, or federal agencies.

Exhibit 432.25: *Mailability Requirements for Handguns that are Otherwise Nonmailable*

Addressee	Affidavit or Certificate Requirements
Officer of Air Force, Army, Coast Guard, Marine Corps, Navy, or Organized Reserve Corps.	Affidavit must be signed by the addressee and certificate must be signed by the commanding officer.
Officer of National Guard or militia of a state, territory, or district.	Affidavit must be signed by the addressee and certificate must be signed by the commanding officer.
Officer of the federal government or a state, district, or territory whose official duty is to serve warrants of arrest or commitment.*	Affidavit must be signed by the addressee and certificate must be signed by the head of the agency employing the addressee.
Postal Service employees specifically authorized by the Chief Postal Inspector.*	Affidavit must be signed by the addressee and certificate must be signed by the head of the agency employing the addressee.
Officer or employee of a U.S. enforcement agency.*	Affidavit must be signed by the addressee and certificate must be signed by the head of the agency employing the addressee.
Purchasing agent or other designated member of an enforcement agency employing officers and personnel included in (*) above.	Affidavit must be signed by the addressee and certificate must be signed by the head of agency stating the firearm is to be used by an officer or employee included in addressee column marked with an (*).
Watchman engaged in guarding federal, state, district, or territory property.	Affidavit must be signed by the addressee and certificate must be signed by the chief clerk of department, bureau, or independent branch of the government agency employing the addressee.
Licensed manufacturers, importers, and dealers of firearms.	Signed statement on PS Form 1508, <i>Statement by Shipper of Firearms</i> . The mailer must be a licensed manufacturer, importer, or dealer mailing to another licensed manufacturer, importer, or firearms dealer.

432.3 Additional Restrictions for Mailable Firearms

Mailers must comply with the rules and regulations per 27 CFR, Part 478, as well as state and local laws. The Postal Service may require confirmation, either by

opening the package or through written certification, that the mailable firearm is unloaded and eligible for mailing. The following conditions also apply:

- a. **Intrastate Shipments:** Subject to state, territory, or district regulations, Mailable Firearms intended for delivery within the same state of mailing may be shipped within a state, provided that:
 - 1) The mailpiece displays a “Return Service Requested” endorsement.
 - 2) The mailpiece is shipped using a class of mail, product, or Extra Service that provides tracking and signature capture at delivery.
- b. **Shipments Between Licensed FFLs:** Mailing Mailable Firearms between licensed FFL dealers, manufacturers, or importers is unrestricted. The Postal Service recommends that these items be mailed using a class of mail, product, or Extra Service that provides tracking and signature capture at delivery.
- c. **Out-of-State Mailings by Non-FFL Owners:** Non-FFL owners may mail Mailable Firearms to themselves or another person in another state for lawful activities under the following conditions. The mailpiece must:
 - 1) Be addressed to the recipient.
 - 2) Include the “in the care of” endorsement immediately preceding the name of the applicable temporary custodian.
 - 3) Be opened by the recipient.
 - 4) Be mailed using a class of mail, product, or Extra Service that provides tracking and signature capture at delivery.
- d. **Mailing to FFL Dealers by Non-FFL Owners:** Non-FFL owners may mail Mailable Firearms domestically to FFL dealers, manufacturers, or importers in any state. These items must be mailed using a class of mail,

product, or Extra Service that provides tracking and signature capture at delivery.

- e. **Curio and Relic Collectors:** Licensed curio and relic collectors may mail firearms meeting the definition of curios or relics per 431.1f domestically to licensed FFL curio and relic collectors in any state. These items must be mailed using a class of mail, product, or Extra Service that provides tracking and signature capture at delivery.
- f. **Museum Shipments:** Mailable Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest, may be mailed between governmental museums without restriction.
- g. **Air Guns:** Air guns (refer to 431.1.f) that do not fall within the definition of Nonmailable Firearms under 431.3 are mailable. Shipments containing air guns with a muzzle velocity of 400 or more feet per second (fps) must include an *Adult Signature* service per DMM 503.8. Mailers are responsible for compliance with all applicable state and local regulations.

432.4 Indemnity Claims

Indemnity claims for regulated firearms may be filed if the following occurs during Postal Service handling (refer to DMM 609):

- a. **Loss:** A claim may be paid when a firearm has been lost.
- b. **Repair Costs Exceeds Value:** If a firearm is damaged, a claim may be filed if the estimated repair cost from a reputable dealer exceeds the declared or actual value of the firearm at the time of mailing.

433 Legal Opinions on Mailing Firearms

Postmasters are not authorized to give opinions on the legality of any shipment of firearms. Mailers requesting additional information should be referred to the

ATF. Further advice and ATF contact information are available at

<https://www.atf.gov/contact>.

434 Replica or Inert Explosive Devices

Replica or inert explosive devices that are not dangerous but resemble explosive devices (i.e., simulated grenades) are mailable provided all following conditions are met:

- a. The package is presented by the mailer at a retail counter.
- b. *Registered Mail* service is used.
- c. The address side of the package is labeled with "REPLICA EXPLOSIVE" using letters at least 1/4-inch high.

435 Nonmailable Firearms Found in the Mail

Nonmailable Firearms discovered in the mailstream must be immediately reported to the United States Postal Inspection Service in accordance with POM 139.117.

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Kevin Rayburn,

Attorney, Ethics & Legal Compliance.

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