

- (iii) **Definition.**—“*Undelivered United States mail*” means mail that has not actually been received by the addressee or the addressee’s agent (*e.g.*, mail taken from the addressee’s mail box).
- (D) **Vulnerable Victims.**—If subsection (b)(2)(B) or (C) applies, an enhancement under §3A1.1(b)(2) shall not apply.
- (E) **Cases Involving Means of Identification.**—For purposes of subsection (b)(2), in a case involving means of identification “*victim*” means (i) any victim as defined in Application Note 1; or (ii) any individual whose means of identification was used unlawfully or without authority.
- (F) **Substantial Financial Hardship.**—In determining whether the offense resulted in substantial financial hardship to a victim, the court shall consider, among other factors, whether the offense resulted in the victim—
 - (i) becoming insolvent;
 - (ii) filing for bankruptcy under the Bankruptcy Code (title 11, United States Code);
 - (iii) suffering substantial loss of a retirement, education, or other savings or investment fund;
 - (iv) making substantial changes to his or her employment, such as postponing his or her retirement plans;
 - (v) making substantial changes to his or her living arrangements, such as relocating to a less expensive home; and
 - (vi) suffering substantial harm to his or her ability to obtain credit.
- 5. **Enhancement for Business of Receiving and Selling Stolen Property under Subsection (b)(4).**—For purposes of subsection (b)(4), the court shall consider the following non-exhaustive list of factors in determining whether the defendant was in the business of receiving and selling stolen property:
 - (A) The regularity and sophistication of the defendant’s activities.
 - (B) The value and size of the inventory of stolen property maintained by the defendant.
 - (C) The extent to which the defendant’s activities encouraged or facilitated other crimes.
 - (D) The defendant’s past activities involving stolen property.
- 6. **Application of Subsection (b)(6).**—For purposes of subsection (b)(6), “*improper means*” includes the unauthorized harvesting of electronic mail addresses of users of a website, proprietary service, or other online public forum.
- 7. **Application of Subsection (b)(8)(B).**—If subsection (b)(8)(B) applies, do not apply an adjustment under §3B1.3 (Abuse of Position of Trust or Use of Special Skill).