



UNITED STATES POSTAL INSPECTION SERVICE

OFFICE OF THE COUNSEL

March 9, 2001

United States Sentencing Commission
One Columbus Circle, N.E., Suite 2-500
Washington, DC 20002-8002

Attention: Michael Courlander
Public Information Officer

SUBJECT: 2001 Proposed Guideline Amendments

Dear Mr. Courlander:

The United States Postal Inspection Service respectfully submits its comments to the proposed guideline amendments published in the January 26, 2001 Federal Register.

The proposed economic crime package amendment, which covers the consolidation of Theft, Property Destruction and Fraud calls for a base offense level of 6. The current "floor" offense level of 6 for the theft of United States mail is proposed to be deleted, because the proposal raises the base offense from level 4 to level 6 for such offenses. However, as the Commission points out, if the enhancement providing a two-level reduction, if loss is less than \$2,000 is adopted, it will be necessary to retain the floor level of 6.

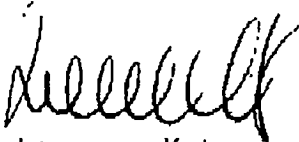
Under the proposed amendment, along with the increase of the base offense level to 6, the amendment calls for a decrease by 2 levels if the loss is \$2,000 or less. The current guidelines provide in §2B1.1 (b)(3), that the theft of undelivered mail is not less than 6, regardless of the value of the loss. The proposed guidelines would reduce the level for the theft of mail with a value of less than \$2,000, to a level of 4. For this reason alone it appears necessary to retain the floor of level 6. The United States Postal Inspection Service urges the Commission to maintain a two-level increase for the theft or destruction of United States mail above the proposed base level of 6, or in the alternative, retain the floor level of 6.

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The federal statutes governing the theft and obstruction of mail differentiate United States mail from other stolen or destroyed property. We believe this distinction was the basis for §2B1.1(b)(3) when it was promulgated, and feel strongly that it should be maintained in any general offense level increase proposed for the consolidated guidelines. The current guidelines consider the inherent fiduciary role in this public communications service, and the mail as an integral part of our nation's commerce. The theft of undelivered mail interferes with an important government function, and the scope of the theft may be difficult to ascertain.

We support the consolidation of guidelines for theft, destruction of property, and fraud, provided the specific offense characteristics for the theft or destruction of mail are preserved in any new guideline. If you have any questions, or need additional information, please feel free to contact me at (202) 268-7732.

Sincerely,



Lawrence Katz
Counsel/ Inspector in Charge