

CODIFICATION

Section was derived from R.S. §930, which was originally classified to section 743 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. §930 was reclassified to section 843 of Title 39. R.S. §930 was repealed by Pub. L. 86-682, §12(c), Sept. 2, 1960, 74 Stat. 708, (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2716 of this title.

§ 2717. Discharge

The court, or a judge thereof, upon—

(1) application of the party when property has been attached and

(2) execution to the United States of a penal bond, approved by a judge, in double the value of the property attached and conditioned upon the return of the property or the payment of any judgment rendered by the court

may discharge the warrant of attachment as to the property of the applicant.

(Added Pub. L. 86-682, §9, Sept. 2, 1960, 74 Stat. 708.)

CODIFICATION

Section was derived from R.S. §931, which was originally classified to section 744 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. §931 was reclassified to section 844 of Title 39. R.S. §931 was repealed by Pub. L. 86-682, §12(c), Sept. 2, 1960, 74 Stat. 708, (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2717 of this title.

§ 2718. Interest on balances due department

In suits for balances due the Post Office Department may recover interest at the rate of 6 per centum per year from the time of default.

(Added Pub. L. 86-682, §9, Sept. 2, 1960, 74 Stat. 708.)

CODIFICATION

Section was derived from R.S. §964, which was originally classified to section 788 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. §964 was reclassified to section 846 of Title 39. R.S. §964 was repealed by Pub. L. 86-682, §12(c), Sept. 2, 1960, 74 Stat. 708, (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2718 of this title.

CHANGE OF NAME

References to Post Office Department, Postal Service, Postal Field Service, Field Postal Service, or Departmental Service or Departmental Headquarters of Post Office Department to be considered references to United States Postal Service pursuant to Pub. L. 91-375, §6(o), Aug. 12, 1970, 84 Stat. 783, set out as a Cross References note preceding section 101 of Title 39, Postal Service.

[CHAPTER 175—REPEALED]

[[§ 2901 to 2906. Repealed. Pub. L. 106-310, div. B, title XXXIV, §3405(c)(1), Oct. 17, 2000, 114 Stat. 1221]

Section 2901, added Pub. L. 89-793, title I, §101, Nov. 8, 1966, 80 Stat. 1438; amended Pub. L. 91-513, title III, §1102(l), Oct. 27, 1970, 84 Stat. 1293; Pub. L. 92-420, §2, Sept. 16, 1972, 86 Stat. 677; Pub. L. 98-473, title II, §228(c), Oct. 12, 1984, 98 Stat. 2030, defined terms used in chapter.

Section 2902, added Pub. L. 89-793, title I, §101, Nov. 8, 1966, 80 Stat. 1439, related to discretionary authority

of court, examination, report, and determination by court, and termination of civil commitment.

Section 2903, added Pub. L. 89-793, title I, §101, Nov. 8, 1966, 80 Stat. 1440, related to authority and responsibilities of the Surgeon General, institutional custody, aftercare, maximum period of civil commitment, and credit toward sentence.

Section 2904, added Pub. L. 89-793, title I, §101, Nov. 8, 1966, 80 Stat. 1441, related to civil commitment not a conviction and use of test results.

Section 2905, added Pub. L. 89-793, title I, §101, Nov. 8, 1966, 80 Stat. 1441, related to delegation of functions by Surgeon General and use of Federal, State, and private facilities.

Section 2906, added Pub. L. 89-793, title I, §101, Nov. 8, 1966, 80 Stat. 1441, related to absence of offer by the court to a defendant of an election under section 2902(a) or any determination as to civil commitment not being reviewable on appeal or otherwise.

CHAPTER 176—FEDERAL DEBT COLLECTION PROCEDURE

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SUBCHAPTER A—DEFINITIONS AND GENERAL PROVISIONS

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CHANGE OF NAME

"United States magistrate judges" substituted for "United States magistrates" in item 3008 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

§ 3001. Applicability of chapter

(a) IN GENERAL.—Except as provided in subsection (b), the¹ chapter provides the exclusive civil procedures for the United States—

- (1) to recover a judgment on a debt; or
(2) to obtain, before judgment on a claim for a debt, a remedy in connection with such claim.

(b) LIMITATION.—To the extent that another Federal law specifies procedures for recovering on a claim or a judgment for a debt arising under such law, those procedures shall apply to such claim or judgment to the extent those procedures are inconsistent with this chapter.

(c) AMOUNTS OWING OTHER THAN DEBTS.—This chapter shall not apply with respect to an amount owing that is not a debt or to a claim

¹ Editorially supplied.

² So in original. Does not conform to subchapter heading.

³ So in original. Probably should be "this".

amount owing that is not a debt or to a claim for an amount owing that is not a debt.

(Added Pub. L. 101-647, title XXXVI, §3611, Nov. 29, 1990, 104 Stat. 4933.)

EFFECTIVE DATE

Section 3631 of title XXXVI of Pub. L. 101-647 provided that:

“(a) Except as provided in subsection (b), this Act [probably should be “title”, meaning title XXXVI of Pub. L. 101-647, which enacted this chapter and section 2044 of this title, amended sections 550, 1962, 1963, and 2410 of this title, section 523 of Title 11, Bankruptcy, and sections 3142 and 3552 of Title 18, Crimes and Criminal Procedure, and enacted provisions set out as a note under section 1 of this title] and the amendments made by this Act [title] shall take effect 180 days after the date of the enactment of this Act [Nov. 29, 1990].

“(b)(1) The amendments made by title I of this Act [probably should be “subtitle A of this title”, meaning subtitle A (§§3611, 3302 [3612]) of title XXXVI of Pub. L. 101-647, which enacted this chapter] shall apply with respect to actions pending on the effective date of this Act [probably should be title XXXVI of Pub. L. 101-647] in any court on—

“(A) a claim for a debt; or

“(B) a judgment for a debt.

“(2) All notices, writs, orders, and judgments in effect in such actions shall continue in effect until superseded or modified in an action under chapter 176 of title 28 of the United States Code, as added by title I of this Act [subtitle A of this title].

“(3) For purposes of this subsection—

“(A) the term ‘court’ means a Federal, State, or local court, and

“(B) the term ‘debt’ has the meaning given such term in section and [sic] 3002(3) of such chapter.”

§ 3002. Definitions

As used in this chapter:

(1) “Counsel for the United States” means—

(A) a United States attorney, an assistant United States attorney designated to act on behalf of the United States attorney, or an attorney with the United States Department of Justice or with a Federal agency who has litigation authority; and

(B) any private attorney authorized by contract made in accordance with section 3718 of title 31 to conduct litigation for collection of debts on behalf of the United States.

(2) “Court” means any court created by the Congress of the United States, excluding the United States Tax Court.

(3) “Debt” means—

(A) an amount that is owing to the United States on account of a direct loan, or loan insured or guaranteed, by the United States; or

(B) an amount that is owing to the United States on account of a fee, duty, lease, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond forfeiture, reimbursement, recovery of a cost incurred by the United States, or other source of indebtedness to the United States, but that is not owing under the terms of a contract originally entered into by only persons other than the United States;

and includes any amount owing to the United States for the benefit of an Indian tribe or in-

dividual Indian, but excludes any amount to which the United States is entitled under section 3011(a).

(4) “Debtor” means a person who is liable for a debt or against whom there is a claim for a debt.

(5) “Disposable earnings” means that part of earnings remaining after all deductions required by law have been withheld.

(6) “Earnings” means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(7) “Garnishee” means a person (other than the debtor) who has, or is reasonably thought to have, possession, custody, or control of any property in which the debtor has a substantial nonexempt interest, including any obligation due the debtor or to become due the debtor, and against whom a garnishment under section 3104 or 3205 is issued by a court.

(8) “Judgment” means a judgment, order, or decree entered in favor of the United States in a court and arising from a civil or criminal proceeding regarding a debt.

(9) “Nonexempt disposable earnings” means 25 percent of disposable earnings, subject to section 303 of the Consumer Credit Protection Act.

(10) “Person” includes a natural person (including an individual Indian), a corporation, a partnership, an unincorporated association, a trust, or an estate, or any other public or private entity, including a State or local government or an Indian tribe.

(11) “Prejudgment remedy” means the remedy of attachment, receivership, garnishment, or sequestration authorized by this chapter to be granted before judgment on the merits of a claim for a debt.

(12) “Property” includes any present or future interest, whether legal or equitable, in real, personal (including choses in action), or mixed property, tangible or intangible, vested or contingent, wherever located and however held (including community property and property held in trust (including spendthrift and pension trusts)), but excludes—

(A) property held in trust by the United States for the benefit of an Indian tribe or individual Indian; and

(B) Indian lands subject to restrictions against alienation imposed by the United States.

(13) “Security agreement” means an agreement that creates or provides for a lien.

(14) “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, or any territory or possession of the United States.

(15) “United States” means—

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

(16) “United States marshal” means a United States marshal, a deputy marshal, or