

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32913(a)	15:2008(b)(3) (2d sentence).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, § 508(b)(3) (2d sentence), (4), (5); added Dec. 22, 1975, Pub. L. 94-163, § 301, 89 Stat. 913; Oct. 10, 1980, Pub. L. 96-425, § 6(c)(1), 94 Stat. 1827.
32913(b)	15:2008(b)(4), (5).	

In subsection (a), before clause (1), the words “compromise or remit” are substituted for “compromise, modify, or remit, with or without conditions” for consistency in the revised title. The words “against any person” are omitted as surplus. The reference to section 32912(b) (a restatement of 15:2008(b)(1)) is used rather than a reference to 32911(b) (a restatement of 15:2007(a)(1) or (2)) to avoid referring, as in the source, to one provision that in turn refers to another provision. In clause (3), the word “reduction” is substituted for “modification” for clarity. The words “as determined under paragraph (4)” are omitted as surplus.

In subsection (b)(1), the words “the standard that was violated” are substituted for “the standard with respect to which such penalty was assessed”, and the words “The Commission shall make the certification when it finds that reduction” are substituted for “If the manufacturer shows and the Federal Trade Commission determines that modification of the civil penalty for which such manufacturer is otherwise liable . . . the Commission shall so certify”, to eliminate unnecessary words.

In subsection (b)(3), the words “When a civil penalty is collected in a civil action under this chapter” are substituted for “but any payment made” for clarity. The words “action was brought” are substituted for “the penalty is collected” for consistency. The words “and shall (except as otherwise provided in paragraph (5)), be held by such court” are omitted as surplus. The words “When the court is holding payment of a penalty reduced under subsection (a)(3) of this section” are substituted for “Whenever a civil penalty has been assessed and collected from a manufacturer under this section, and is being held by a court in accordance with paragraph (4), and the Secretary subsequently determines to modify such civil penalty pursuant to paragraph (3)(C)” to eliminate unnecessary words.

PUB. L. 103-429

This amends 49:32913(b)(1) to clarify the restatement of 15:2008(b)(4) and (5) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1073).

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-287 made technical amendment to directory language of Pub. L. 103-429, § 6(41). See 1994 Amendment notes below.

1994—Subsec. (b). Pub. L. 103-429, § 6(41)(A), as amended by Pub. L. 104-287, substituted “Certification” for “Penalty Reduction” in heading.

Subsec. (b)(1). Pub. L. 103-429, § 6(41)(B), as amended by Pub. L. 104-287, substituted “a reduction in the penalty is necessary” for “the penalty should be reduced”.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-287, § 6(d), Oct. 11, 1996, 110 Stat. 3398, provided that the amendment made by section 6(d)(1)(A) is effective Oct. 31, 1994.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 32914. Collecting civil penalties

(a) CIVIL ACTIONS.—If a person does not pay a civil penalty after it becomes a final order of the

Secretary of Transportation or a judgment of a court of appeals of the United States for a circuit, the Attorney General shall bring a civil action in an appropriate district court of the United States to collect the penalty. The validity and appropriateness of the final order imposing the penalty is not reviewable in the action.

(b) PRIORITY OF CLAIMS.—A claim of a creditor against a bankrupt or insolvent manufacturer of automobiles has priority over a claim of the United States Government against the manufacturer for a civil penalty under section 32912(b) of this title when the creditor’s claim is for credit extended before a final judgment (without regard to section 32913(b)(1) and (2) of this title) in an action to collect under subsection (a) of this section.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1074.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32914(a)	15:2008(b)(3) (last sentence), (c)(2).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, § 508(b)(3) (last sentence), (6), (c)(2); added Dec. 22, 1975, Pub. L. 94-163, § 301, 89 Stat. 913, 914.
32914(b)	15:2008(b)(6).	

In subsection (a), the text of 15:2008(b)(3) (last sentence) is omitted as surplus because of 28:516 and 2461(a). The words “an assessment of” and “and unappealable” are omitted as surplus. The words “of the Secretary of Transportation” are added for clarity. The words “for a circuit” are added for consistency. The words “in favor of the Secretary” are omitted as surplus. The words “shall bring a civil action . . . to collect the penalty” are substituted for “shall recover the amount for which the manufacturer is liable” for consistency.

In subsection (b), the words “A claim of a creditor against a bankrupt or insolvent manufacturer of automobiles has priority over a claim of the United States Government against the manufacturer” are substituted for “A claim of the United States . . . against a manufacturer . . . shall, in the case of the bankruptcy or insolvency of such manufacturer, be subordinate to any claim of a creditor of such manufacturer” for clarity and to eliminate unnecessary words. The words “the date on which” are omitted as surplus.

§ 32915. Appealing civil penalties

Any interested person may appeal a decision of the Secretary of Transportation to impose a civil penalty under section 32912(a) or (b) of this title, or of the Federal Trade Commission under section 32913(b)(1) of this title, in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. A person appealing a decision must file a notice of appeal with the court not later than 30 days after the decision and, at the same time, send a copy of the notice by certified mail to the Secretary or the Commission. The Secretary or the Commission promptly shall file with the court a certified copy of the record of the proceeding in which the decision was made.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1074.)