

§ 2714. Investment of proceeds of attached property

When the property attached is sold on an interlocutory order or is producing revenue, the money arising from the sale or revenue shall be invested, under the order of the court, in securities of the United States. The accretions therefrom are subject to the order of the court.

(Added Pub. L. 86-682, § 9, Sept. 2, 1960, 74 Stat. 707.)

CODIFICATION

Section was derived from R.S. §928, which was originally classified to section 741 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. §928 was reclassified to section 841 of Title 39. R.S. §928 was repealed by section 12(c) of Pub. L. 86-682 (section 1 of which revised and enacted Title 39), and reenacted by section 9 thereof as section 2714 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1960, see section 11 of Pub. L. 86-682, 74 Stat. 708.

§ 2715. Publication

The marshal shall cause publication of an executed warrant of attachment—

- (1) for two months in case of an absconding debtor, and
- (2) for four months in case of a nonresident debtor

in a newspaper published in the district where the property is situated pursuant to the details of the order under which the warrant is issued. (Added Pub. L. 86-682, § 9, Sept. 2, 1960, 74 Stat. 707.)

CODIFICATION

Section was derived from R.S. §929, which was originally classified to section 742 of former Title 28. Following the general revision and enactment of Title 28 by act June 25, 1948, R.S. §929 was reclassified to section 842 of Title 39. R.S. §929 was repealed by Pub.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 2715 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1960, see section 11 of Pub. L. 86-682, 74 Stat. 708.

§ 2716. Personal notice

After the first publication of the notice of attachment, a person indebted to, or having possession of property of a defendant and having knowledge of the notice, shall answer for the amount of his debt or the value of the property. Any disposal or attempted disposal of the property, to the injury of the United States, is unlawful. When the person indebted to, or having possession of the property of a defendant, is known to the United States attorney or marshal, the officer shall cause a personal notice of the attachment to be served upon him, but the lack of the notice does not invalidate the attachment.

(Added Pub. L. 86-682, § 9, Sept. 2, 1960, 74 Stat. 707.)

CODIFICATION

Section was derived from R.S. §930, which was originally classified to section 743 of former Title 28. Fol-

lowing 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.

EFFECTIVE DATE

Section effective Sept. 1, 1960, see section 11 of Pub. L. 86-682, 74 Stat. 708.

§ 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.

EFFECTIVE DATE

Section effective Sept. 1, 1960, see section 11 of Pub. L. 86-682, 74 Stat. 708.

§ 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.

EFFECTIVE DATE

Section effective Sept. 1, 1960, see section 11 of Pub. L. 86-682, 74 Stat. 708.

[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

Table with 2 columns: Subchapter and Sec.1. Rows include A. Definitions and general provisions (3001), B. Prejudgment remedies (3101), C. Postjudgments2 remedies (3201), D. Fraudulent transfers2 (3301)

SUBCHAPTER A—DEFINITIONS AND GENERAL PROVISIONS

Table with 2 columns: Sec. and Description. Rows include 3001. Applicability of chapter, 3002. Definitions, 3003. Rules of construction, 3004. Service of process; enforcement; notice, 3005. Application of chapter to judgments, 3006. Affidavit requirements, 3007. Perishable personal property, 3008. Proceedings before United States magistrate judges, 3009. United States marshals' authority to designate keeper, 3010. Co-owned property, 3011. Assessment of surcharge on a debt, 3012. Joinder of additional defendant, 3013. Modification or protective order; supervision of enforcement, 3014. Exempt property, 3015. Discovery as to debtor's financial condition.

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 Editorially supplied.

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

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

(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 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,