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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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LOCKHART *v.* UNITED STATES ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 04–881. Argued November 2, 2005—Decided December 7, 2005

In 2002, the Government began withholding a portion of petitioner’s Social Security payments to offset his debt on federally reinsured student loans that were more than 10 years overdue. Petitioner sued, arguing that the offset was barred by the 10-year statute of limitations of the Debt Collection Act of 1982, 31 U. S. C. §3716(e)(1). The Social Security Act generally exempts benefits from attachment or other legal process, 42 U. S. C. §407(a), and provides that “[n]o other provision of law . . . may be construed to . . . modify . . . this section except to the extent that it does so by express reference,” §407(b). The Higher Education Technical Amendments of 1991 eliminated time limitations on suits to collect student loans, 20 U. S. C. §1091a(a)(2)(D). In 1996, the Debt Collection Improvement Act subjected Social Security benefits to offset, “[n]otwithstanding [§407],” 31 U. S. C. §3716(c)(3)(A)(i). The District Court dismissed petitioner’s complaint, and the Ninth Circuit affirmed.

Held: The United States may offset Social Security benefits to collect a student loan debt that has been outstanding for over 10 years. Pp. 3–5.

(a) The Debt Collection Improvement Act makes Social Security benefits subject to offset, providing the sort of express reference that §407(b) says is necessary to supersede the anti-attachment provision. P. 3.

(b) The Higher Education Technical Amendments remove the 10-year limit that would otherwise bar offsetting petitioner’s Social Security benefits to pay off his student loan debt. Debt collection by Social Security offset was not authorized until five years after this abrogation of time limits, but the plain meaning of the Higher Education Technical Amendments must be given effect even though

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Congress may not have foreseen all of its consequences, *Union Bank v. Wolas*, 502 U. S. 151, 158. Though the Higher Education Technical Amendments, unlike the Debt Collection Improvement Act, do not explicitly mention §407, an express reference is only required to authorize attachment in the first place. Pp. 3–4.

(c) Though the Debt Collection Improvement Act retained the Debt Collection Act’s general 10-year bar on offset authority, the Higher Education Technical Amendments retain their effect as a limited exception to the Debt Collection Act time bar in the student loan context. The Court declines to read any meaning into a failed 2004 congressional effort to amend the latter Act to explicitly authorize offset of debts over 10 years old. See, *e.g.*, *United States v. Craft*, 535 U. S. 274, 287. Pp. 4–5.

376 F. 3d 1027, affirmed.

O’CONNOR, J., delivered the opinion for a unanimous Court. SCALIA, J., filed a concurring opinion.