2010 Erwin N. Griswold Lecture Before the American College of Tax Counsel

Taking the *Bull* by Its Horns: Some Thoughts on Constitutional Due Process in Tax Collection

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I am honored to be here tonight, and to have been asked to deliver the Griswold Lecture, a lecture that is really remarkable in that its past presenters are at the pinnacle of thinking deeply about tax. Given my modest beginnings, starting out as an uncredentialed return preparer and working in the area of poverty tax law, which to many still seems an oxymoron, I wondered what I might have to say that would be of interest to this august group and would not be a repeat of things I have said before. This latter requirement is particularly challenging since my views are committed to writing at least twice a year, in the hundreds of pages of my reports to Congress and other testimony. After some soul-searching, I realized that most of my life has been spent mucking about in the procedural provisions of the Internal Revenue Code—those sections numbered 6000 and above—and that the overriding goal of my life's work is to afford taxpayers of all types with due process of law. Through my years preparing taxes for individuals and small businesses, and later representing them in tax controversies, through founding The Community Tax Law Project and advocating for funding of low-income taxpayer clinics, through my congressional testimony in conjunction with the IRS Restructuring and Reform Act of 1998 (RRA 98),[1] through my writings, my teaching, and my speaking, and now as the National Taxpayer Advocate, I have strived to hold the Service accountable to its taxpayers. So, I determined that due process should be the subject of this lecture.

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[1]Pub. L. No. 105-206, 112 Stat. 685 (1998).

It has been some time since I thought about due process in the constitutional and philosophical sense. So I hit the law books, to remind myself of the historical and philosophical bases of due process. As it turns out, unbeknownst to me, I have been advocating from these foundations all along. But as a result of preparing this lecture, I have begun to get a greater understanding of the underlying principles, which I hope will make me a more effective taxpayer advocate in the future.

At any rate, although I have no pretensions that I am anything more than a novice in thinking about these things, I present to you my ruminations about why we should care about due process in tax administration and what can happen when we do not provide these protections. This discussion is by no means a comprehensive analysis of this issue—it is just some beginning thoughts.

I. Due Process Protections, Generally

My due process journey started with contemplating the concepts of a "sovereign" and sovereign authority. I have always had trouble with these concepts. Whenever someone says "you must do this," my first reaction—for reasons that no doubt go back to the recesses of my early childhood—is to say, "Oh yeah? Who says?" I must report that I have learned that this is not an effective line of reasoning to take with the sovereign, because whatever else the sovereign possesses, it possesses power—sovereign power, to be precise. My unease with sovereign authority is, of course, not unique—others throughout the centuries have sought to protect themselves from the sovereign's capriciousness and abuse of power. And it is from these efforts that concepts of due process derive.

Law evolved as a protection against the whim of a sovereign. Law at least theoretically imposes some order on human affairs and assures persons that the sovereign will act with some regularity and consistency. But even where the government is acting consistently, there arise situations where the government's actions are viewed by the populace as violating certain rights or interests. In those instances the populace needs a means of redress—of raising its concerns to the government and being heard. This tension is most acute when the deeply personal and core life, liberty, and property interests are at stake.

The United States Supreme Court has traced the concept of due process to the Magna Carta.[2] Indeed, as we shall see, the very words used in Supreme Court due process analysis raise images of an all-powerful sovereign that can abuse and oppress the people. To protect against this abuse, we have come to believe that when the sovereign acts upon life, liberty, and property interests, the persons who are impacted must have some individualized method of protesting that action, even though the law is addressed to the populace as a whole. That is, we have to think about the individual as well.

Essentially, due process analysis identifies what interests are entitled to

[2] *See* Hurtado v. California, 110 U.S. 516, 531 (1884).

protection and what process is due. Procedural due process analysis is triggered when the sovereign *enforces* its decision or policies in such a way that a grievous loss occurs. At a minimum, procedural due process requires that the sovereign provide impacted persons with notice of its action and an opportunity to be heard.[3] Whether the specific loss is so severe as to trigger these protections and whether the hearing comes before or after the deprivation are questions that continue to be litigated.

The value of procedural due process goes beyond protecting an individual's interests, as important as that is. Procedural due process raises the question of what it means to be constituted as a government. It provides the individual with the ability to interact with the government, to be treated as a person and with dignity. It requires that there be a *conversation* about what is being done to that person and why it is being done. Even when the outcome of the dialogue is clear—indeed, *especially* when the outcome will be unchanged—the right to be heard, that is, to explain to the sovereign how its action will affect you, and the right to have that government action explained to you, make individuals feel that their government is acknowledging their individual circumstances and importance even as it acts for the benefit of the whole. Procedural due process, then, is an aspect of procedural justice, which many commentators believe is a necessary component for individuals to come together and voluntarily consent to be governed.

I personally find the intrinsic value of due process protections to be compelling. These protections comport with the concept of a power so great and confident that it can afford to be equitable—and when the sovereign overreaches, the protections act to restrain the sovereign from abusing that great power. However, as I remind my employees, simply saying that something isn't "fair" or "equitable," even where true, generally will not win arguments with the sovereign, or for that matter, with the Service. We must do something else. We must show that the *practical* consequences of this government action violate a fundamental protection or right.

In addition to due process's intrinsic worth, there is the practical benefit of due process as a means of ensuring that the government enforces the laws accurately and even-handedly. The goal, from a practical perspective, is to minimize *inaccurate* or *inconsistent* deprivations of protected interests, on the one hand because it is the right thing to do and on the other because it keeps the government in power and the masses from rising up.

In large and powerful sovereign agencies like the Service, accuracy and consistency very quickly become equated with efficiency, economy, and expediency. To these three "*E*s" I would like to add two others—effectiveness and efficacy. That is to say, a practical due process analysis not only weighs the government's need to operate with efficiency but also evaluates what the action is actually accomplishing in light of the stated goals for that action.

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[3] *See, e.g.*, Grannis v. Ordean, 234 U.S. 385, 394 (1914) ("The fundamental requisite of due process of law is the opportunity to be heard.").

Moreover, where core interests are impacted such that the right to be heard accrues, the opportunity to be heard must not be so "efficient" that it vitiates the individual's ability to raise his concerns. Thus, for the sovereign to accurately and consistently administer the laws, it must provide a *meaningful* opportunity to be heard. Accuracy also requires that the government agent hearing the individual's concerns be unbiased—that is, the government must listen—not *pretend* to listen, but *actually* listen.

In sum, then, due process protects persons against the sovereign's abuse of power by requiring that when the sovereign deprives persons of core interests, they will be notified of that taking and granted the meaningful opportunity to have their concerns heard before an unbiased decision-maker.

II. Due Process Protections in Tax Administration

So, now let's talk about taxes. Other than when government takes a person's life or deprives a person of liberty, I can think of a no more significant interest than a person's *means* to have life, liberty, and property. In our modern society, money is that means. On a weekly if not daily basis, the Service is the sovereign's agent for taking from the populace its means to secure significant individual interests.

That is why people have such a personal, visceral reaction to the Service. Even otherwise powerful people fear the Service's sovereign power and the potential for abuse because the government action they see most often is a "taking." They are fearful of invasive audits, and, especially with the expansion of third-party information reporting, they recognize that the government knows a great deal about them. To counteract these fears and to reassure taxpayers that the Service will not and does not abuse its power, strong due process protections are required.

Yet for much of the Service's existence, whole aspects of its activities—its enforcement of the laws—have escaped close procedural due process analysis. Why is that? The short answer is, "Taxes are the life-blood of government."

This phrase actually comes from a fascinating 1935 case, *Bull v. United States*, which dealt with equitable recoupment.[4] In ruling for the taxpayer, the Supreme Court pondered how and why, in the tax world, we have stood the usual administrative procedure on its ear:

> But taxes are the lifeblood of government, and their prompt and certain availability an imperious need. Time out of mind, therefore, the sovereign has resorted to more drastic means of collection. The assessment is given the force of a judgment, and if the amount assessed is not paid when due, administrative officials may seize the debtor's property to satisfy the debt.[5]

[4] 295 U.S. 247 (1935).
[5] *Id.* at 259–60.

The Court further noted that the government "through a palpable mistake took more than it was entitled to" take, and that "[r]etention of the money was against morality and conscience."[6] It then went on, through application of the doctrine of equitable recoupment, to correct this mistake. So all was right with the world for Mr. Bull's estate. But the Court acknowledged that there are times when "morality and conscience" will not prevail.[7]

In the United States, deference to the sovereign's awesome collection power runs deep. In an 1881 case, *Springer v. United States*, the taxpayer challenged the federal government's seizure and sale of his real property in satisfaction of a tax debt on due process grounds.[8] The United States Supreme Court wrote:

> The proceedings of the collector were not in conflict with the amendment to the Constitution which declares that "no person shall be deprived of life, liberty, or property without due process of law." The power to distrain personal property for the payment of taxes is almost as old as the common law. The Constitution gives to Congress the power "to lay and collect taxes, duties, imposts, and excises." . . . Mr. Chief Justice Marshall said, "The power to tax involves the power to destroy."[9]

The Court then provided the rationale for its refusal to interfere with Congress's awesome power to collect taxes:

> The prompt payment of taxes is always important to the public welfare. It may be vital to the existence of a government. The idea that every tax-payer is entitled to delays of litigation is unreason. If the laws here in question involved any wrong or unnecessary harshness, it was for Congress, or the people who make congresses, to see that the evil was corrected. The remedy does not lie with the judicial branch of government.[10]

The next stop on our whirlwind tour of constitutional due process in tax administration involves *Phillips v. Commissioner*, a 1931 case in which the taxpayer challenged the constitutionality of the recently enacted procedure for enforcing transferee liability for a tax in the same manner as it would against the underlying delinquent taxpayer.[11] Here, Justice Brandeis, writing for the Court, noted:

> The right of the United States to collect its internal revenue by summary administrative proceedings has long been settled. . . . Property rights must

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[6] *Id.* at 260.

[7] *Id.*

[8] 102 U.S. 586 (1881). One of the taxpayer's lines of attack against the validity of the seizure and sale was an allegation that the underlying tax was an impermissible "direct" tax. The opinion includes a fascinating discussion of Constitutional history relating to direct taxes, replete with Gouverneur Morris, Alexander Hamilton, James Madison, slaves, and carriage taxes. I recommend it to everyone. *See id.* at 595–98.

[9] *Id.* at 593 (internal citations omitted).

[10] *Id.* at 594.

[11] 283 U.S. 589 (1931).

> yield provisionally to governmental need. Thus, while protection of life and liberty from administrative action alleged to be illegal may be obtained promptly by the writ of habeas corpus . . . . [w]here only property rights are involved, mere postponement of the judicial enquiry is not a denial of due process, if the opportunity given for the ultimate judicial determination of the liability is adequate. . . . Delay in the judicial determination of property rights is not uncommon where it is essential that governmental needs be immediately satisfied.[12]

The Court further noted that where the government delays collection of the tax pursuant to payment of a bond pending judicial review, such delay is a "privilege" that is "granted by the sovereign as a matter of grace solely for the convenience of the taxpayer."[13]

Our final stop—and by final, I do not mean to imply that there are no other points to be made, or nuances to be considered, only that we cannot be here all night and I think you all understand the gist of these holdings—is *Bob Jones University v. Simon*, in which an educational institution sought injunctive relief from the Service's revocation of its tax-exempt status because of the school's racially discriminatory admissions policies.[14] The petitioner alleged, among other things, that the revocation violated its right to due process and equal protection under the laws.

In discussing the Anti-Injunction Act, which provides that "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court",[15] Justice Powell, writing for the Court, noted that "the principal purpose of this language [is] the protection of the Government's need to assess and collect taxes as expeditiously as possible with a minimum of preenforcement judicial interference."[16] The history of judicial interpretation of the Anti-Injunction Act demonstrated that "the Act may not be evaded 'merely because collection would cause an irreparable injury, such as the ruination of the taxpayer's enterprise.'"[17] Instead, where a taxpayer is attempting to show extraordinary and exceptional circumstances that would warrant injunctive relief, it must "be established that the Service's action is plainly without a legal basis"[18]—a high bar, indeed.

The Court noted that the university did have an avenue to judicial review. After its exempt status was revoked, it could challenge the validity of the assessment of income taxes that the Service would most assuredly assess against it. It also observed that these procedures may not be the best possible, but stated that "although the congressional restriction to postenforcement review may place an organization claiming tax-exempt status in a precarious financial

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[12] *Id.* at 595–97 (internal citations omitted).
[13] *Id.* at 599.
[14] 416 U.S. 725 (1974).
[15] I.R.C. § 7421
[16] 416 U.S. 725, 736.
[17] *Id.* at 745 (citing Enochs v. Williams Packing & Navigation Co., 370 U.S. 1, 7 (1962)).
[18] *Id.*

position, the problems presented do not rise to the level of constitutional infirmities, in light of the powerful governmental interests in protecting the administration of the tax system from premature judicial interference."[19] The Court concluded by acknowledging, "The degree of bureaucratic control that, practically speaking, has been placed in the Service over those in petitioner's position is susceptible of abuse, regardless of how conscientiously the Service may attempt to carry out its responsibilities."[20] But as in *Springer,* the Court referred the petitioner to Congress, thereby relegating these concerns to mere policy considerations rather than constitutional issues.

So, where are we? The courts seem to be saying that because from "time out of mind" the sovereign's power to require payment of taxes immediately to satisfy government need is almost "as old as the common law," the government's summary collection procedures pass constitutional muster so long as the taxpayer is afforded an eventual and ultimate avenue of judicial review. If Congress doesn't like this approach, then it is up to Congress to act to provide taxpayers with protections beyond what is constitutionally required.

III. A Policy Justification for Greater Due Process Protections in Tax Administration

In fact, Congress over the years has acted to provide additional taxpayer protections. With respect to assessments, we now have access to a pre-payment forum, the United States Tax Court, in which to challenge the proposed assessment of most taxes.[21] In matters pertaining to tax-exemption, entities have access to pre-revocation judicial review.[22] And finally, in most collection matters, taxpayers have access to a one-time pre-levy and post-lien filing hearing, including judicial review of the government's proposed collection activities under an "abuse of discretion" standard.[23] From my perspective as the National Taxpayer Advocate, these protections are all for the good. While a due process analysis of tax administration may not implicate constitutional violations, our analysis should not stop there. As my mother used to say, "Just because you *can*, doesn't mean you *should."* Thus, although the courts may hold that there is no constitutional requirement for pre-decisional hearings in the tax collection context, there are significant policy reasons for providing them.[24]

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[19] *Id.* at 747.
[20] *Id.* at 749–50.
[21] *See generally* I.R.C. §§ 6211–6214.
[22] I.R.C. § 7428.
[23] I.R.C. §§ 6320, 6330.
[24] Despite the cases discussed *supra,* I remain unconvinced that there is no constitutionally protected interest in a pre-deprivation hearing in tax administration today, given that increasing automation heightens the risk that the government will make an erroneous determination and in light of the expansion of the tax filing population since *Bull v. United States*, or even *Bob Jones University v. Simon*, to include very low income taxpayers who do not have the means to challenge government error in post-deprivation hearings. But that is a topic for more in-depth analysis at another time.

Because due process, as part of procedural justice, serves the larger purpose of engaging individuals and making them feel heard in a meaningful way, regardless of the outcome, it helps ease the sense among many taxpayers that the government acts in arbitrary ways. Confidence in fairness, accuracy, and consistency of government, in turn, makes taxpayers more willing to participate in government. After all, unlike in the days of the divine right of kings, we constitute a government because we, its citizens, *consent* to be governed.

Keep that consent in mind as we turn *Bull v. United States* on its head for a bit: If taxes are the life-blood of government, then it is the taxpayers who provide that life-blood. So, if the government wants a long life, it is in its self-interest that taxpayers remain financially viable and in long-term tax compliance. For many taxpayers, their financial viability and long-term tax compliance are most affected by Service collection activities, because it is at that point that tax assessments have an actual financial impact. While the courts may say that this impact doesn't rise to a constitutionally significant taking, money is the life-blood of taxpayers to the same extent that money is the life-blood of government. For that reason, even though the government doesn't have to do it, it is good government policy to provide extra measures of protection against abuse in the collection arena. This recognition forms the basis of all the taxpayer protections that, over the years, have been enacted in the various taxpayer bills of rights.

Collection Due Process (CDP) hearings exemplify that extra protection. Let us remember that unlike most other creditors, the Service does not need to go before a judge to prove that a debt exists and obtain a judgment in order to file a lien or levy on assets. The Service has *awesome* lien and levy self-help authorities. This is consonant with "time out of mind" sovereign need for the efficient collection of taxes. Yet Congress authorized CDP hearings to impose a pause at the beginning of this process to make sure that the sovereign thinks about the taxpayer just a bit.

I am aware that some commentators have criticized this procedure, not least because of its origin in the hearings leading up to the IRS Restructuring and Reform Act of 1998 (RRA 98), which are viewed as Service-bashing. I do not share this view of either CDP or RRA 98. Certainly we can make improvements to the CDP hearing regime that, I note, was proposed by that "known radical," Michael Saltzman, when he appeared before and corre-

sponded with the Senate Finance Committee in 1998.[25] What is important here is that for the first time in United States tax administration, taxpayers are provided an opportunity to engage in a conversation with the sovereign about the proposed taking. The sovereign is required to balance "the need for the efficient collection of taxes with the legitimate concern of the person that any collection action be no more intrusive than necessary."[26] Now, this is a merciful sovereign I can actually get my mind around!

I note, too, that the availability of the CDP hearing procedure does not dictate the outcome. It simply assures the taxpayer should he avail himself of the opportunity, that the *sovereign's* need for life-blood will be weighed against the *taxpayer's* need for that life-blood and that the sovereign will try to minimize the damage to the taxpayer's welfare. Providing the right to a dialogue with the sovereign, and to receive an explanation for a sovereign action against a core interest, is very different from saying that a person will prevail as a result of that dialogue.

Similar to Tax Court and other judicial proceedings in the assessment context, judicial review of Collection Due Process hearings makes transparent what is happening to taxpayers. Transparency in tax administration is essential because it enables us to identify problems and affords us the opportunity to change things. For far too long, the Service collection function labored in the dark, and criticisms were characterized as hearsay or excused as anomalies. Well, now we have the court record. And however imperfect the CDP procedure may be, this procedural scrutiny tilts the balance a little bit away from an almost unchecked pre-deprivation collection authority to a meaningful review of a sample of Service collection activities.

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[25] In his response to questions from Chairman Roth of the Senate Finance Committee, Michael Saltzman made the following recommendations for enhanced due process protection in tax collection:

> As your hearings have confirmed, revenue officers in IRS district Collection Divisions have enormous discretion in taking collection action against taxpayers, including the filing of notices of federal tax liens against their property, serving levies, and seizing and selling their property. Taxpayers are deprived of their property without due process because there is no statutory procedure for any independent review of the revenue officer's collection decision.
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> . . . .
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> Accordingly, I recommend adoption of the following procedures:
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> a. There should be a statutory procedure for the review of IRS collection action.
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> b. The model for this review procedure should be Section 7429, which permits a taxpayer to obtain administrative and judicial review of a jeopardy assessment or jeopardy levy. . . .
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> c. I believe that threatened liens and levies should be reviewed by an Appeals officer. Unlike the jeopardy levy review procedures, I recommend that judicial review be conducted by special trial judges of the Tax Court, who will hear the case on an expedited basis.

IRS Restructuring: Hearings on H.R. 2676 Before the S. Comm. on Finance, 105th Cong. 376 (1998) (written comments of Michael Saltzman).

[26] I.R.C. § 6330(c)(3)(C).

So, let's close with a story—a recent Tax Court case—to illustrate what this transparency can show us and why it is important.

On December 21, 2009, the Tax Court issued an opinion in the case of *Vinatieri v. Commissioner*.[27] The decision was issued in a CDP case pursuant to the Service's motion for summary judgment. The Service had proposed to levy on the taxpayer's wages with respect to her 2002 tax liability, even though the taxpayer established, and the Service agreed, that the proposed levy would create economic hardship under section 6343, which would require a *release* of that very levy. The Service then determined that the taxpayer was eligible to be placed into "currently not collectible" (CNC) status. Her financial statement showed $800 of monthly income and $800 of monthly expenses, with $14 cash on hand. The reason the Service did not place the taxpayer's account in CNC status, or explore other collection alternatives, is because the taxpayer had not filed her 2005 or 2007 returns.

The court acknowledged that requiring taxpayers to be current with filing obligations in order to obtain collection alternatives may be reasonable where the taxpayer has sufficient income to meet basic living expenses. However, the court found no requirement in the law, regulations, or cases that conditions a release of a levy for economic hardship on the filing compliance of the taxpayer. Thus, the court held that the Service can't condition release of a levy that creates economic hardship on filing and payment compliance. Noting that "[t]he purpose of section 6330 is to 'afford taxpayers adequate notice of collection activity and a meaningful hearing *before* the IRS deprives them of their property,'"[28] the court found that proceeding with a levy that has to be released immediately is "unreasonable and undermines public confidence that tax laws are being administered fairly."[29] The court held that the Service's determination to proceed with the levy was arbitrary and an abuse of discretion.

This case contains several disturbing elements. The taxpayer's description of her economic condition, the presence of spousal abuse, the taxpayer's medical condition, the referral to a low income taxpayer clinic—which, the court notes, the taxpayer did not utilize because it was located 30 miles from her residence and her car, a 1996 Toyota with 243,000 miles on it "will not go that far"—all point to a failure on the part of many in the Service to *listen* to the taxpayer and a glorification of form over substance.

Now, let me tell you what has happened since this decision came down in December of 2009. First, a Tax Court judge drew my attention to this case. Second, the record shows that a Low Income Taxpayer Clinic attorney has entered an appearance for the petitioner. Third, I personally instituted a review by my staff of all Internal Revenue Manual provisions that relate to levies on taxpayers who have demonstrated they are experiencing economic

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[27] 2009 T.C.R. (CCH) Dec. 58,026, 133 T.C.R. Dec. (RIA) ¶ 133.16.
[28] 2009 T.C.R. (CCH) Dec. 58,026 at 4221, 133 T.C.R. Dec. (RIA) ¶ 133.16 at 235–36.
[29] 2009 T.C.R. (CCH) Dec. 58,026 at 4221, 133 T.C.R. Dec. (RIA) ¶ 133.16 at 236.

hardship under section 6343, and my staff is working with the Internal Revenue Service Office of Chief Counsel and the Service itself to change the language of those provisions so that they conform with this ruling and the law. Fourth, I am issuing guidance to Taxpayer Advocate Service employees so they are aware of the ruling and are able to assist taxpayers who may be in this situation.

Vinatieri also shows us that the form of the dialogue with the sovereign can affect the outcome. As the Service moves toward "efficient" processes in its efforts to conserve resources, and minimizes employees' direct contact with taxpayers, this consultation with the sovereign is increasingly more likely to be a monologue than a dialogue.[30] Service employees' actions are often governed by checklists, or electronic probe-and-response guides, and frequently the exercise of common sense and good judgment falls by the wayside. In this environment, the taxpayer's ability to discuss his or her individual circumstances and receive an explanation for the government's actions is eroded, and the risk that the government will arrive at an inaccurate result increases. In *Vinatieri*, it appears that no employee, no manager—not in collection, not in Appeals, not in Counsel—stood back and said, "Why are we doing this to this person?" It was not until Judge Dawson looked at the case that the "conscience was shocked."

Vinatieri and its aftermath are living proof of the value of transparency and judicial review of Service actions. Not all taxpayers will avail themselves of such review, but those that do, have stories that benefit us all. Providing your taxpayers, the providers of your life-blood, with due process—even when you don't have to—is good government. A wise and long-lived sovereign knows that.

Thank you.

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[30] In my Annual Reports to Congress, for example, I have documented the increased likelihood of error and harmful impact on taxpayers of Service "batch processing" in correspondence examinations, automated lien filings, and Federal Payment Levy Program (FPLP) implementation. *See* Nat'l Taxpayer Advocate, IRS, 2004 Annual Report to Congress, Volume 2, Earned Income Tax Credit (EITC) Audit Reconsideration Study 1–82; Nat'l Taxpayer Advocate, IRS, 2007 Annual Report to Congress, Volume 2, IRS Earned Income Credit Audits—A Challenge to Taxpayers 94–117; Nat'l Taxpayer Advocate, IRS, 2009 Annual Report to Congress, Volume 1, One-Size-Fits-All Lien Filing Policies Circumvent the Spirit of the Law, Fail to Promote Future Tax Compliance, and Unnecessarily Harm Taxpayers 17–40; Nat'l Taxpayer Advocate, IRS, 2009 Annual Report to Congress, Volume 2, The Service's Use of Notices of Federal Tax Liens (NFTL) 1–18; Nat'l Taxpayer Advocate, IRS, 2008 Annual Report to Congress, Volume 2, Building a Better Filter: Protecteing Lower Income Social Security Recipients from the Federal Payment Levy Program 45–72.