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Reduction of District of Columbia Superior Court's Appropriations

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Matter of: Reduction of District of Columbia Superior Court's Appropriations
File: B-258163 Date: September 29, 1994

The direction in the District of Columbia Appropriations Act, 1994, for the Mayor to reduce appropriations and expenditures for communications cost within the various appropriation headings in the Act does not authorize the Mayor to reduce appropriations of the District's courts. The Mayor did not have such authority under District law prior to the appropriations act and there is no evidence that Congress intended the appropriations act to provide such authority by suspending the application of District law.

DECISION

Background

Section 442(a)(1) of the District of Columbia Self-Government and Governmental Reorganization Act (Home Rule Act), Pub. L. No. 93-198, as amended, D.C. Code Sec. 47-301(a)(1) (1981 ed.), requires the Mayor to submit to the Council of the District of Columbia an annual balanced budget for the District government. Section 603 of the Home Rule Act tasks the Council to enact a balanced budget for inclusion in the budget the President submits to the Congress. D.C. Code Sec. 47-313(c), (d). In preparing and enacting a balanced budget, the Mayor and the Council are required to include, without revision, the budget estimates submitted to the Mayor by the courts. Section 445 of the Home Rule Act, D.C. Code, 11 App. Sec. 445.

The Congress considers the District's budget request, and appropriates such amounts as it deems necessary for the District government. After the Congress enacts the appropriation into law, the District may need to reduce spending in order to balance its budget. Prior to 1991, the Mayor had relied on other provisions of law, including language regularly appearing in annual appropriations acts,[1] to direct agencies to reduce their spending in order to balance the District's budget. These efforts met with limited success because of court rulings that the Mayor could not subject certain independent agencies to unilateral spending cuts.[2]

Consequently, in an effort to enhance the District's ability to reduce spending and balance its budget, Pub. L. No. 102-106, Sec. 2(a), 105 Stat. 539 (1991), added section 453 to the Home Rule Act, D.C. Code Sec. 31-104.1. Section 453(a) authorizes the Mayor to "reduce amounts appropriated or otherwise made available to independent agencies of the District of Columbia (including the Board of Education) for a fiscal year if the Mayor determines that it is necessary to reduce such amounts to balance the District's budget for the fiscal year."

Subsection (b) requires the Mayor to submit proposed reductions to the Council, and provides that a proposal shall be considered approved if the Council does not disapprove the proposal within specified time frames. However, subsection (c) exempts from this procedure "amounts appropriated or otherwise made available to the District of Columbia courts or the Council."

The District of Columbia Appropriations Act, 1994, provides funding for the Superior Court of the District of Columbia as part of the lump-sum appropriation for "Public Safety and Justice." Pub. L. No. 103-127, title I, 107 Stat. 1338 (1993). Another portion of the 1994 Appropriation Act provides for spending reductions as follows:

"Energy Adjustments"

"The Mayor shall reduce appropriations and expenditures for energy costs in the amount of $482,000 within one or several of the various appropriation headings in this Act.

"Communications Adjustments

"The Mayor shall reduce appropriations and expenditures for communications costs in the amount of $158,000 within one or several of the various appropriation headings in this Act.

"Contractual Services Adjustments

"The Mayor shall reduce contractual services appropriations and expenditures within object class 40 in the amount of $1,500,000 within one or several of the various appropriation headings in this Act; Provided, That no reductions shall be made to agencies not under the direct control of the Mayor or to the Department of Human Services."

The Acting Director of the District's Budget Office, in a memorandum to all agency heads dated June 28, 1994, indicated that the funding for the Superior Court was being reduced by $8,000 as part of its implementation of the "Communications Adjustment" cost reduction included in the 1994 Appropriations Act.

Statutory limitations on the authority of the Mayor and Council to revise the Superior Court's budget request or to reduce its appropriations do not preclude the Congress from appropriating such amounts as it deems appropriate for operation and maintenance of the Superior Court. Furthermore, while Congress may reduce the Superior Court's appropriation request, it may also authorize in an appropriation act or other legislation the Mayor or the Mayor and Council to reduce the Superior Court's appropriation.[3] The Executive Director of the District of Columbia Courts asks whether the 1994 Appropriation Act permits the Mayor to reduce the appropriations of the Superior Court, notwithstanding the Superior Court's independence from the Mayor and Council for both budget submission and appropriation reduction purposes.

Legal Analysis

The 1994 Appropriation Act does not expressly provide the Mayor with new authority to effect required spending reductions. Further, the appropriations act does not expressly repeal section 453(c) of the Home Rule Act to make the

sections 453(a) and (b) budget reduction procedures applicable to appropriations for the courts. Finally, we could find no legislative history that indicates that Congress intended the Mayor to make the spending reductions required by the 1994 Appropriation Act in a manner other than as provided in District law.

Nevertheless, the Acting Director's memorandum reflects the view that the 1994 Appropriations Act authorizes the Mayor to reduce appropriations for the courts. The Acting Director informally pointed out to us that the Mayor has independent authority to reduce appropriations for executive branch agencies under the Mayor's budgetary control and to reduce appropriations of independent agencies if not disapproved by the Council under section 453 of the Home Rule Act. The Acting Director therefore suggests that the spending reduction provision in the 1994 Appropriations Act could be viewed as meaningless unless it is interpreted to authorize the Mayor to make spending reductions in an entity such as the Superior Court where the Mayor lacked such authority prior to the Appropriations Act.[4]

We need not adopt the view offered by the Acting Budget Director to give meaning to the communications adjustments provision in the 1994 Appropriations Act. For example, the communications and the other two adjustment provisions can easily be interpreted to reflect the Congress' decision that in addition to other spending reductions specified in the Appropriations Act, the Mayor must make reductions of specific amounts in the "energy," "communications," and "contractual services" categories of agency budgets. The fact that Congress left it to the Mayor and Council to decide in accordance with existing District law which appropriation categories should absorb such reductions does not make this alternative interpretation meaningless. Further, when Congress decided that existing District law should not apply in effecting a particular budget cut, it so provided. For purposes of implementing the "Contractual Services Adjustment" provision, the appropriation act explicitly provides that the reductions shall not be made to agencies not under the direct control of the Mayor, thus removing as a target of these reductions the independent agencies otherwise subject to the budget reduction procedures in section 453 of the Home Rule Act.

As we previously noted, section 453 of the Home Rule Act authorized the Mayor to reduce amounts appropriated in order to balance the District's budget; however, such authority did not reach amounts appropriated to the District of the Columbia courts or city council. Thus, to adopt the Acting Budget Director's view in the absence of any express statutory language in support thereof, we would have to imply a temporary repeal or suspension of the section 453(c) exception for appropriations to the courts from the budget reduction procedures in the rest of section 453.[5] However, repeal by implication is disfavored and statutes will be construed to avoid this result whenever possible. Tennessee Valley Authority v. Hill, 437 U.S. 153, 189-90 (1978); Luck v. District of Columbia, 617 A.2d 509, 514 (D.C. 1992). Thus statutes should be construed harmoniously so as to give maximum effect to both whenever possible. E.g., Posadas v. National City Bank, 296 U.S. 497, 503 (1936). 53 Comp. Gen. 853, 856 (1974).

As previously discussed and consistent with the rules of statutory construction, we can harmonize the 1994 Appropriations Act and section 453 of the Home Rule Act by viewing the Appropriations Act as directing the Mayor to make specified reductions in communication costs consistent with the procedures embodied in District law. In this way, no implied repeal of section 453(c) is required. Further, there is nothing in the legislative history of the 1994 Appropriations

Act to indicate that Congress intended to repeal or suspend section 453(c) or to authorize the Mayor to reduce appropriations for the courts.[6]

Finally, the above reading of the 1994 Appropriation Act is more in keeping with the analysis in Barry v. Bush, 581 A. 2d 308 (1990) than is the acting Budget Director's view. The Barry case concerned the authority of the Mayor to unilaterally reduce the Board of Education's appropriations in order to prevent the District from running out of money. Relying in part on language in the 1990 Appropriations Act that authorized the Mayor to reduce the accumulated deficit from amounts available to the District government, the Mayor included the Board of Education in an order reducing spending in District departments and agencies. The District's Court of Appeals held that the appropriation language did not implicitly repeal existing District law requiring the Mayor and Council to concurrently set a maximum Board budget and that the Mayor lacked authority to unilaterally reduce the Board's appropriation. 581 A. 2d at 314.

CONCLUSION

The 1994 Appropriations Act does not explicitly authorize the Mayor to reduce appropriations for the courts. The Appropriations Act and its legislative history also does not evidence a clear congressional intent to authorize the Mayor to cut communications cost without regard to District laws governing budgets, appropriations and spending reductions such as section 453(c) of the Home Rule Act. Accordingly, the District of Columbia Superior Court need not make the reduction in appropriations for communications costs directed by the Acting Budget Director.

1. See, e.g., the District of Columbia Appropriation Act, 1994, Pub. L. No. 103-127, Sec. 103, 107 Stat. 1344 (1993) providing:

"Whenever, in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor."

2. Compare Hazel v. Barry, 580 A.2d 110 (D.C. 1990) holding that the Mayor was authorized to reduce funds allocated to the District of Columbia public library in the budget enacted by the Council and included in the District's annual appropriation with Barry v. Bush, 581 A.2d 308 (D.C. 1990), holding that the Mayor was not authorized to unilaterally (without the concurrence of the Council) reduce the maximum amounts allocated to the Board of Education by the District's enacted supplemental budget as approved by Congress. See also Evans v. Washington, 106 Daily Wash. L. Rptr. 1929 (D.C. Sup. Ct., Sept. 7, 1978).

3. See sections 102(a), 601, and 603(a) of the Home Rule Act, D.C. Code Secs. 1-201(a), 1-206 and 47-313(a) regarding Congress's authority over the District including continued exercise of appropriation authority. See also, District of Columbia v. A.F.G.E., 619 A.2d 77, 85-89 (D.C. 1993) regarding congressional power to enact legislation for the District through the appropriations process that the District of Columbia could not itself directly enact into law through its general legislative process.

4. It is a well established rule of statutory construction that a statute should not be interpreted in such a way as to render certain provisions superfluous or insignificant. Ziegler Coal Co. v. Kleppe, 536 F.2d 398, 406 (D.C. Cir. 1976);

Tuten v. United States, 440 A.2d 1008, 1010 (D.C. 1982), aff'd, 460 U.S. 660 (1983).

5. The Acting Director's interpretation would necessarily authorize the Mayor to reduce the Council's appropriations since the exceptions for the courts' and the Council's appropriations are together in section 453(c).

6. In describing the communication and other appropriation adjustments to be made and their relationship to previously budgeted amounts, the terms "citywide" and "District-wide" are used. E.g., H. Doc. 136, 103d Cong., 1st Sess. 93-95; H.R. Rep. No. 152, 103d Cong., 1st Sess. 47 (1993). These are not terms of art that are clearly definable from a long history of consistent usage. They are instead descriptive terms whose meaning should be derived from the context in which they are used. We have no basis for concluding from the use of these terms that existing restriction on the reduction of appropriations for the courts were not to apply to the 1994 Appropriations Act. Further, the portion of the House report on "Changes in the Application of Existing Law" makes no mention of changes to laws governing the court's budget. Finally, the conference report refers to reductions in agency budgets without reference to the court's budget. H.R. Rep. No. 303, 103d Cong., 1st Sess., 13-14 (1993).