

SUITS BY COMPTROLLER GENERAL

§ 1016

SEC. 1016.¹⁰⁷³ If, under this title, budget authority¹⁰⁷⁴ is required to be made available for obligation and such budget authority is not made available for obligation, the Comptroller General is hereby expressly empowered, through attorneys of his own selection, to bring a civil action in the United States District Court for the District of Columbia to require such budget authority to be made available for obligation, and such court is hereby expressly empowered to enter in such civil action, against any department, agency, officer, or employee of the United States, any decree, judgment, or order which may be necessary or appropriate to make such budget authority available for obligation. The courts shall give precedence to civil actions brought under this section, and to appeals and writs from decisions in such actions, over all other civil actions, appeals, and writs. No civil action shall be brought by the Comptroller General under this section until the expiration of 25 calendar days¹⁰⁷⁵ of continuous session of the Congress following the date on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Speaker of the House of Representatives and the President of the Senate.

¹⁰⁷³ Section 1016 is codified as amended at 2 U.S.C. § 687 (1988). Section 206(c) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, entitled "Codification of Law Regarding Deferral Authority," provides: "Sections 1015 and 1016 of the Impoundment Control Act of 1974 are reaffirmed." Pub. L. No. 100-119, § 206(c), 101 Stat. 754, 786 (1987). For an excerpt from the joint statement of managers accompanying the conference report on that bill, see *supra* note 1072 (at the end of the previous section).

¹⁰⁷⁴ Section 3(2) defines "budget authority." See *supra* pp. 11-13.

¹⁰⁷⁵ Section 1011(5) defines this 25-day period. See *supra* p. 376.