Tucker Act

Under the Tucker Act of 1887, the United States waived its sovereign immunity as to certain kinds of claims. Although the government is immune to lawsuits as a general rule, the Tucker Act exposes the government to liability for certain claims. Specifically, the Act extended the original Court of Claims' jurisdiction to include claims for liquidated or unliquidated damages arising from the Constitution (including takings claims under the Fifth Amendment), a federal statute or regulation, and claims in cases not arising in tort. The relevant text of the Act is codified in 28 U.S.C. §§ 1346(a) and 1491.

Specifically, the Tucker Act permits three kinds of claims against the government: (1) contractual claims, (2) noncontractual claims where the plaintiff seeks the return of money paid to the government and (3) noncontractual claims where the plaintiff asserts that he is entitled to payment by the government.

Today, jurisdiction over Tucker Act claims is vested in the United States Court of Federal Claims. The United States Court of Federal Claims has exclusive jurisdiction over Tucker Act claims in excess of $10,000, while another statutory grant of jurisdiction—the so-called "Little Tucker Act"—allows the court to entertain similar suits against the United States for claims of less than $10,000 concurrently with the federal district courts. Prior to the passage of the Federal Courts Improvement Act of 1982, however, this jurisdiction was vested in the original U.S. Court of Claims.