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United States Code Annotated [Currentness](#)

Title 28. Judiciary and Judicial Procedure ([Refs & Annos](#))

[Part IV](#). Jurisdiction and Venue ([Refs & Annos](#))

[Chapter 91](#). United States Court of Federal Claims ([Refs & Annos](#))

→ → § 1491. **Claims against United States generally; actions involving Tennessee Valley Authority**

(a)(1) The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort. For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.

(2) To provide an entire remedy and to complete the relief afforded by the judgment, the court may, as an incident of and collateral to any such judgment, issue orders directing restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records, and such orders may be issued to any appropriate official of the United States. In any case within its jurisdiction, the court shall have the power to remand appropriate matters to any administrative or executive body or official with such direction as it may deem proper and just. The Court of Federal Claims shall have jurisdiction to render judgment upon any claim by or against, or dispute with, a contractor arising under [section 7104\(b\)\(1\) of title 41](#), including a dispute concerning termination of a contract, rights in tangible or intangible property, compliance with cost accounting standards, and other nonmonetary disputes on which a decision of the contracting officer has been issued under section 6 of that Act.

(b)(1) Both the United [FN1](#) States Court of Federal Claims and the district courts of the United States shall have jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract or any alleged violation of statute or regulation in connection with a procurement or a proposed procurement. Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

(2) To afford relief in such an action, the courts may award any relief that the court considers proper, including declaratory and injunctive relief except that any monetary relief shall be limited to bid preparation and proposal costs.

(3) In exercising jurisdiction under this subsection, the courts shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

(4) In any action under this subsection, the courts shall review the agency's decision pursuant to the standards set forth in [section 706 of title 5](#).

(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, then an interested party described in [section 3551\(2\)\(B\) of title 31](#) shall be entitled to intervene in that action.

(6) Jurisdiction over any action described in paragraph (1) arising out of a maritime contract, or a solicitation for a proposed maritime contract, shall be governed by this section and shall not be subject to the jurisdiction of the district courts of the United States under the Suits in Admiralty Act (chapter 309 of title 46) or the Public Vessels Act (chapter 311 of title 46).

(c) Nothing herein shall be construed to give the United States Court of Federal Claims jurisdiction of any civil action within the exclusive jurisdiction of the Court of International Trade, or of any action against, or founded on conduct of, the Tennessee Valley Authority, or to amend or modify the provisions of the Tennessee Valley Authority Act of 1933 with respect to actions by or against the Authority.

CREDIT(S)

(June 25, 1948, c. 646, 62 Stat. 940; July 28, 1953, c. 253, § 7, 67 Stat. 226; Sept. 3, 1954, c. 1263, § 44(a), (b), 68 Stat. 1241; July 23, 1970, Pub.L. 91-350, § 1(b), 84 Stat. 449; Aug. 29, 1972, Pub.L. 92-415, § 1, 86 Stat. 652; Nov. 1, 1978, [Pub.L. 95-563, § 14\(i\), 92 Stat. 2391](#); Oct. 10, 1980, [Pub.L. 96-417, Title V, § 509](#), 94 Stat. 1743; Apr. 2, 1982, [Pub.L. 97-164, Title I, § 133\(a\)](#), 96 Stat. 39; Oct. 29, 1992, [Pub.L. 102-572, Title IX, §§ 902\(a\)](#), 907(b)(1), 106 Stat. 4516, 4519; Oct. 19, 1996, [Pub.L. 104-320, § 12\(a\), 110 Stat. 3874](#); Dec. 26, 2007, [Pub.L. 110-161](#), Div. D, Title VII, § 739(c)(2), 121 Stat. 2031; Jan. 28, 2008, [Pub.L. 110-181](#), Div. A, Title III, § 326(c), 122 Stat. 63; Oct. 14, 2008, [Pub.L. 110-417](#), Div. A, Title X, § 1061(d), 122 Stat. 4613; Jan. 4, 2011, [Pub.L. 111-350](#), § 5(g)(7), 124 Stat. 3848; [Pub.L. 112-81](#), Div. A, Title VIII, § 861(a), Dec. 31, 2011, 125 Stat. 1521.)

[\[FN1\]](#) So in original.

Section 12(d) of Pub.L. 104-320 provided that: “The jurisdiction of the district courts of the United States over the actions described in section 1491(b)(1) of title 28, United States Code [subsec. (b)(1) of this section] (as amended by subsection (a) of this section) shall terminate on January 1, 2001 unless extended by Congress. The savings provisions in subsection (e) [section 12(e) of Pub.L. 104-320, set out as a note under this section] shall apply if the bid protest jurisdiction of the district courts of the United States terminates under this subsection [this note].”

Current through P.L. 112-174 (excluding P.L. 112-140, 112-141, 112-147, 112-152, 112-154, 112-158, 112-166, and 112-169) approved 9-20-12

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