

## Syllabus

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**SUPREME COURT OF THE UNITED STATES**

## Syllabus

UNITED STATES *v.* BORMESCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

No. 11–192. Argued October 2, 2012—Decided November 13, 2012

Respondent Bormes, an attorney, filed suit against the Federal Government, alleging that the electronic receipt he received when paying his client’s federal-court filing fee on Pay.gov included the last four digits of his credit card number and the card’s expiration date, in willful violation of the Fair Credit Reporting Act (FCRA), 15 U. S. C. §1681 *et seq.* He sought damages under §1681n and asserted jurisdiction under §1681p, as well as under the Little Tucker Act, which grants district courts “original jurisdiction, concurrent with the United States Court of Federal Claims, of . . . [a]ny. . . civil action or claim against the United States, not exceeding \$10,000 in amount, founded . . . upon . . . any Act of Congress,” 28 U. S. C. §1346(a)(2). In dismissing the suit, the District Court held that FCRA did not explicitly waive the Federal Government’s sovereign immunity. Bormes appealed to the Federal Circuit, which vacated the District Court’s decision, holding that the Little Tucker Act provided the Government’s consent to suit because the underlying statute—FCRA—could fairly be interpreted as mandating a right of recovery in damages.

*Held:* The Little Tucker Act does not waive the Government’s sovereign immunity with respect to FCRA damages actions. Pp. 4–11.

(a) The Little Tucker Act and its companion statute, the Tucker Act, provide the Federal Government’s consent to suit for certain money-damages claims “premised on other sources of law,” *United States v. Navajo Nation*, 556 U. S. 287, 290. The general terms of the Tucker Acts are displaced, however, when a law imposing monetary liability has its own judicial remedies. In that event, the specific remedial scheme establishes the exclusive framework for determining the scope of liability under the statute. See, *e.g.*, *Hinck v. United States*, 550 U. S. 501. Pp. 4–7.

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(b) FCRA is such a statute. Its detailed remedial scheme sets “out a carefully circumscribed, time-limited, plaintiff-specific” cause of action, and “also precisely define[s] the appropriate forum,” 550 U. S., at 507. FCRA authorizes aggrieved consumers to hold “any person” who “willfully” or “negligent[ly]” fails to comply with the Act’s requirements liable for specified damages, 15 U. S. C. §§1681n(a), 1681o; requires enforcement claims to be brought within a specified limitations period, §1681p; and provides that jurisdiction will lie “in any appropriate United States district court, without regard to the amount in controversy,” *ibid.* Because FCRA enables claimants to pursue monetary relief in court without resort to the Tucker Act, only *its own* text can determine whether Congress unequivocally intended to impose the statute’s damages liability on the Federal Government. Pp. 7–10.

626 F. 3d 574, vacated and remanded.

SCALIA, J., delivered the opinion for a unanimous Court.

Opinion of the Court

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**SUPREME COURT OF THE UNITED STATES**

No. 11–192

UNITED STATES, PETITIONER *v.* JAMES X. BORMES  
ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE FEDERAL CIRCUIT

[November 13, 2012]

JUSTICE SCALIA delivered the opinion of the Court.

The Little Tucker Act, 28 U. S. C. §1346(a)(2), provides that “[t]he district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of . . . [a]ny . . . civil action or claim against the United States, not exceeding \$10,000 in amount, founded . . . upon . . . any Act of Congress.” We consider whether the Little Tucker Act waives the sovereign immunity of the United States with respect to damages actions for violations of the Fair Credit Reporting Act (FCRA), 15 U. S. C. §1681 *et seq.*

I

The Fair Credit Reporting Act has as one of its purposes to “protect consumer privacy.” *Safeco Ins. Co. of America v. Burr*, 551 U. S. 47, 52 (2007); see 84 Stat. 1128, 15 U. S. C. §1681. To that end, FCRA provides, among other things, that “no person that accepts credit cards or debit cards for the transaction of business shall print more than the last 5 digits of the card number *or* the expiration date upon any receipt provided to the cardholder at the point of the sale or transaction.” §1681c(g)(1) (emphasis added). The Act defines “person” as “any individual, partnership,

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corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.” §1681a(b).

FCRA imposes civil liability for willful or negligent noncompliance with its requirements: “Any person who willfully fails to comply” with the Act “with respect to any consumer,” “is liable to that consumer” for actual damages or damages “of not less than \$100 and not more than \$1,000,” as well as punitive damages, attorney’s fees, and costs. §1681n(a); see also §1681o (civil liability for negligent noncompliance). The Act includes a jurisdictional provision, which provides that “[a]n action to enforce any liability created under this subchapter may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction” within the earlier of “2 years after the date of discovery by the plaintiff of the violation that is the basis for such liability” or “5 years after the date on which the violation that is the basis for such liability occurs.” §1681p.

Respondent James X. Bormes is an attorney who filed a putative class action against the United States in the United States District Court for the Northern District of Illinois seeking damages under FCRA. Bormes alleged that he paid a \$350 federal-court filing fee for a client using his own credit card on Pay.gov, an Internet-based system used by federal courts and dozens of federal agencies to process online payment transactions. According to Bormes, his Pay.gov electronic receipt included the last four digits of his credit card, *in addition to* its expiration date, in willful violation of §1681c(g)(1). He claimed that he and thousands of similarly situated persons were entitled to recover damages under §1681n, and asserted jurisdiction under §1681p, as well as under the Little Tucker Act, 28 U. S. C. §1346(a)(2).

The District Court dismissed the suit, holding that

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FCRA does not contain the explicit waiver of sovereign immunity necessary to permit a damages suit against the United States. 638 F. Supp. 2d 958, 962 (ND Ill. 2009). The court did not address the Little Tucker Act as an asserted basis for jurisdiction. Respondent appealed to the Federal Circuit, which has exclusive jurisdiction “of an appeal from a final decision of a district court of the United States . . . if the jurisdiction of that court was based, in whole or in part, on” the Little Tucker Act. 28 U. S. C. §1295(a)(2). Arguing that the Little Tucker Act’s jurisdictional grant did not apply to respondent’s suit, the Government moved to transfer the appeal to the Seventh Circuit.

The Federal Circuit denied the transfer motion and went on to vacate the District Court’s decision. Without deciding whether FCRA itself contained the requisite waiver of sovereign immunity, the court held that the Little Tucker Act provided the Government’s consent to suit for violation of FCRA. The court explained that the Little Tucker Act applied because FCRA “‘can fairly be interpreted as mandating compensation by the Federal Government for the damage sustained.’” 626 F. 3d 574, 578 (2010) (quoting *United States v. White Mountain Apache Tribe*, 537 U. S. 465, 472 (2003)). This “fair interpretation” rule, the court explained, “demands a showing ‘demonstrably lower’ than the initial waiver of sovereign immunity” contained in the Little Tucker Act itself. 626 F. 3d, at 578. The court reasoned that FCRA satisfied the “fair interpretation” rule because its damages provision applies to “any person” who willfully violates its requirements, 15 U. S. C. §1681n(a), and the Act elsewhere defines “person” to include “any . . . government,” §1681a(b). 626 F. 3d, at 580. The Federal Circuit remanded to the District Court for further proceedings. We granted certiorari, 565 U. S. \_\_\_\_ (2012).

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