

in or shipped to the United States and used in projects to which this section applies, or

(b) Otherwise represented that any such product was produced in the United States.

[61 FR 6303, Feb. 16, 1996]

#### § 661.19 Sanctions.

A willful refusal to comply with a certification by a successful bidder or offeror may lead to the initiation of debarment or suspension proceedings under part 29 of this title.

[71 FR 14118, Mar. 21, 2006]

#### § 661.20 Rights of parties.

(a) A party adversely affected by an FTA action under this subsection shall have the right to seek review under the Administrative Procedure Act (APA), 5 U.S.C. 702 *et seq.*

(b) Except as provided in paragraph (a) of this section, the sole right of any third party under the Buy America provision is to petition FTA under the provisions of § 661.15 of this part. No third party has any additional right, at law or equity, for any remedy including, but not limited to, injunctions, damages, or cancellation of the Federal grant or contracts of the grantee.

[71 FR 14118, Mar. 21, 2006]

#### § 661.21 State Buy America provisions.

(a) Except as provided in paragraph (b) of this section, any State may impose more stringent Buy America or buy national requirements than contained in section 165 of the Act and the regulations in this part.

(b) FTA will not participate in contracts governed by the following:

(1) State Buy America or Buy National preference provisions which are not as strict as the Federal requirements.

(2) State and local Buy National or Buy America preference provisions which are not explicitly set out under State law. For example, administrative interpretations of non-specific State legislation will not control.

(3) State and local Buy Local preference provisions.

## PART 663—PRE-AWARD AND POST-DELIVERY AUDITS OF ROLLING STOCK PURCHASES

### Subpart A—General

Sec.

- 663.1 Purpose.
- 663.3 Scope.
- 663.5 Definitions.
- 663.7 Certification of compliance to FTA.
- 663.9 Audit limitations.
- 663.11 Audit financing.
- 663.13 Buy America requirements.
- 663.15 Compliance.

### Subpart B—Pre-Award Audits

- 663.21 Pre-award audit requirements.
- 663.23 Description of pre-award audit.
- 663.25 Pre-award Buy America certification.
- 663.27 Pre-award purchaser's requirements certification.

### Subpart C—Post-Delivery Audits

- 663.31 Post-delivery audit requirements.
- 663.33 Description of post-delivery audit.
- 663.35 Post-delivery Buy America certification.
- 663.37 Post-delivery purchaser's requirements certification.
- 663.39 Post-delivery audit review.

### Subpart D—Certification of Compliance With or Inapplicability of Federal Motor Vehicle Safety Standards

- 663.41 Certification of compliance with Federal motor vehicle safety standards.
- 663.43 Certification that Federal motor vehicle standards do not apply.

AUTHORITY: 49 U.S.C. 1608(j); 23 U.S.C. 103(e)(f); Pub. L. 96-184, 93 Stat. 1320; Pub. L. 101-551, 104 Stat. 2733; sec. 3023(m), Pub. L. 109-59; 49 CFR 1.51.

SOURCE: 56 FR 48395, Sept. 24, 1991, unless otherwise noted.

### Subpart A—General

#### § 663.1 Purpose.

This part implements section 12(j) of the Federal Mass Transit Act of 1964, as amended, which was added by section 319 of the 1987 Surface Transportation and Uniform Relocation Assistance Act (Pub. L. 100-17). Section 12(j) requires the Federal Transit Administration, by delegation from the Secretary of Transportation, to issue regulations requiring pre-award and post-delivery audits when a recipient of