

the transfer date, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

“(D) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Veterans Affairs, or by or against any individual in the official capacity of such individual as an officer of the Department of Veterans Affairs, shall abate by reason of the enactment of this subsection.

“(E) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Department of Veterans Affairs relating to a function transferred under this subsection may be continued by the Administrator of the Small Business Administration with the same effect as if this subsection had not been enacted.

“(F) EFFECT ON PERSONNEL.—The Secretary of Veterans Affairs shall appoint any employee represented by a labor organization accorded exclusive recognition under section 7111 of title 5, United States Code, that is affected by the transfer of functions under this subsection to a position of a continuing nature for which the employee is qualified, at a grade and compensation not lower than the current grade and compensation of the employee.

“(G) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a function of the Center for Verification and Evaluation that is transferred under this subsection is deemed, after the transfer date, to refer to the Small Business Administration.”

#### **§ 657f-1. Certification of small business concerns owned and controlled by veterans**

##### **(a) In general**

With respect to the program established under section 8127 of title 38, the Administrator shall—

- (1) certify the status of a concern as a small business concern owned and controlled by veterans; and
- (2) require the periodic recertification of such status.

##### **(b) Enforcement; penalties**

###### **(1) Verification of eligibility**

In carrying out this section, the Administrator shall establish procedures relating to—

(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under section 657f of this title (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under subsection (a)); and

(B) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under subsection (a).

###### **(2) Examination of applicants**

The procedures established under paragraph (1) shall provide for a program of examinations by the Administrator of any small business concern making a certification or providing information to the Administrator under subsection (a), to determine the veracity of any statements or information provided as part of

such certification or otherwise provided under subsection (a).

(Pub. L. 85-536, § 2[36A], as added Pub. L. 116-283, div. A, title VIII, § 862(e), Jan. 1, 2021, 134 Stat. 3781.)

#### **§ 657g. Participation in federally funded projects**

Any small business concern that is certified, or otherwise meets the criteria for participation in any program under section 637(a) of this title, shall not be required by any State, or political subdivision thereof, to meet additional criteria or certification, unrelated to the capability to provide the requested products or services, in order to participate as a small disadvantaged business in any program or project that is funded, in whole or in part, by the Federal Government.

(Pub. L. 108-447, div. K, title I, § 155, Dec. 8, 2004, 118 Stat. 3458.)

#### **Editorial Notes**

##### **CODIFICATION**

Section was enacted as part of the Small Business Reauthorization and Manufacturing Assistance Act of 2004, and also as part of the Consolidated Appropriations Act, 2005, and not as part of the Small Business Act which comprises this chapter.

#### **Statutory Notes and Related Subsidiaries**

##### **NOTICE REGARDING PARTICIPATION OF SMALL BUSINESS CONCERN**

Pub. L. 109-59, title X, § 10201, Aug. 10, 2005, 119 Stat. 1932, provided that: “The Secretary [of Transportation] shall notify each State or political subdivision of a State to which the Secretary awards a grant or other Federal funds of the criteria for participation by a small business concern in any program or project that is funded, in whole or in part, by the Federal Government under section 155 of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 567g [657g]).”

#### **§ 657h. Small business energy efficiency**

##### **(a) Definitions**

In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “association” means the association of small business development centers established under section 648(a)(3)(A) of this title;

(3) the term “disability” has the meaning given that term in section 12102 of title 42;

(4) the term “Efficiency Program” means the Small Business Energy Efficiency Program established under subsection (c)(1);

(5) the term “electric utility” has the meaning given that term in section 2602 of title 16;

(6) the term “high performance green building” has the meaning given that term in section 17061 of title 42;

(7) the term “on-bill financing” means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly sched-