

## Union Calendar No. 186

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3661

**[Report No. 116-234]**

To support entrepreneurs serving in the National Guard and Reserve, and  
for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2019

Mr. KIM (for himself and Mr. BURCHETT) introduced the following bill; which  
was referred to the Committee on Small Business

OCTOBER 15, 2019

Additional sponsors: Mr. SCHNEIDER, Ms. FINKENAUER, Mr. BALDERSON,  
Mr. FITZPATRICK, Mr. CROW, Ms. KENDRA S. HORN of Oklahoma, Ms.  
UNDERWOOD, and Mr. HARDER of California

OCTOBER 15, 2019

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

To support entrepreneurs serving in the National Guard  
and Reserve, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Patriotic Employer  
5 Protection Act of 2019”.

6 **SEC. 2. EXTENSION OF LOAN ASSISTANCE AND DEFERRAL**  
7 **ELIGIBILITY TO RESERVISTS BEYOND PERI-**  
8 **ODS OF MILITARY CONFLICT.**

9       (a) SMALL BUSINESS ACT AMENDMENTS.—Section  
10 7 of the Small Business Act (15 U.S.C. 636) is amend-  
11 ed—

12               (1) in subsection (b)(3)—

13                       (A) in subparagraph (A)—

14                               (i) by striking clause (ii);

15                               (ii) by redesignating clause (i) as  
16 clause (ii);

17                               (iii) by inserting before clause (ii), as  
18 so redesignated, the following:

19                               “(i) the term ‘active service’ has the mean-  
20 ing given that term in section 101(d)(3) of title  
21 10, United States Code;” and

22                               (iv) in clause (ii), as so redesignated,  
23 by adding “and” at the end;

24                       (B) in subparagraph (B), by striking  
25 “being ordered to active military duty during a

1 period of military conflict” and inserting “being  
2 ordered to perform active service for a period of  
3 more than 30 consecutive days”;

4 (C) in subparagraph (C), by striking “ac-  
5 tive duty” each place it appears and inserting  
6 “active service”; and

7 (D) in subparagraph (G)(ii)(II), by strik-  
8 ing “active duty” and inserting “active service”;  
9 and

10 (2) in subsection (n)—

11 (A) in the subsection heading, by striking  
12 “ACTIVE DUTY” and inserting “ACTIVE SERV-  
13 ICE”;

14 (B) in paragraph (1)—

15 (i) by striking subparagraph (C);

16 (ii) by redesignating subparagraphs  
17 (A) and (B) as subparagraphs (B) and  
18 (C), respectively;

19 (iii) by inserting before subparagraph  
20 (B), as so redesignated, the following:

21 “(A) ACTIVE SERVICE.—The term ‘active  
22 service’ has the meaning given that term in sec-  
23 tion 101(d)(3) of title 10, United States  
24 Code.”;

1 (iv) in subparagraph (B), as so redese-  
2 gnated, by striking “ordered to active duty  
3 during a period of military conflict” and  
4 inserting “ordered to perform active serv-  
5 ice for a period of more than 30 consecu-  
6 tive days”; and

7 (v) in subparagraph (D), by striking  
8 “active duty” each place it appears and in-  
9 serting “active service”; and

10 (C) in paragraph (2)(B), by striking “ac-  
11 tive duty” each place it appears and inserting  
12 “active service”.

13 (b) APPLICABILITY.—The amendments made by sub-  
14 section (a)(1) shall apply to an economic injury suffered  
15 or likely to be suffered as the result of an essential em-  
16 ployee being ordered to perform active service (as defined  
17 in section 101(d)(3) of title 10, United States Code) for  
18 a period of more than 30 consecutive days who is dis-  
19 charged or released from such active service on or after  
20 the date of enactment of this Act.

21 (c) SEMIANNUAL REPORT.—Not later than 180 days  
22 after the date of enactment of this Act, and semiannually  
23 thereafter, the President shall submit to the Committee  
24 on Small Business and Entrepreneurship and the Com-  
25 mittee on Appropriations of the Senate and the Committee

1 on Small Business and the Committee on Appropriations  
2 of the House of Representatives a report on the number  
3 of loans made under the Military Reservist Economic In-  
4 jury Disaster Loan program and the dollar volume of  
5 those loans. The report shall contain the subsidy rate of  
6 the disaster loan program as authorized under section 7(b)  
7 of the Small Business Act (15 U.S.C. 636(b)) with the  
8 loans made under the Military Reservist Economic Injury  
9 Disaster Loan program and without those loans included.

10 (d) TECHNICAL AND CONFORMING AMENDMENT.—  
11 Section 8(l) of the Small Business Act (15 U.S.C. 637(l))  
12 is amended—

13 (1) by striking “The Administration” and in-  
14 serting the following:

15 “(1) IN GENERAL.—The Administration”;

16 (2) by striking “(as defined in section  
17 7(n)(1))”; and

18 (3) by adding at the end the following:

19 “(2) DEFINITION OF PERIOD OF MILITARY CON-  
20 Flict.—In this subsection, the term ‘period of mili-  
21 tary conflict’ means—

22 “(A) a period of war declared by the Con-  
23 gress;

24 “(B) a period of national emergency de-  
25 clared by the Congress or by the President; or

1                   “(C) a period of a contingency operation,  
2                   as defined in section 101(a) of title 10, United  
3                   States Code.”.

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