

116TH CONGRESS
1ST SESSION

H. R. 3661

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2019

Received; read twice and referred to the Committee on Small Business and
Entrepreneurship

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Patriotic Employer
3 Protection Act of 2019”.

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

7 (a) **SMALL BUSINESS ACT AMENDMENTS.**—Section
8 7 of the Small Business Act (15 U.S.C. 636) is amend-
9 ed—

10 (1) in subsection (b)(3)—

11 (A) in subparagraph (A)—

12 (i) by striking clause (ii);

13 (ii) by redesignating clause (i) as
14 clause (ii);

15 (iii) by inserting before clause (ii), as
16 so redesignated, the following:

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

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

22 (B) in subparagraph (B), by striking
23 “being ordered to active military duty during a
24 period of military conflict” and inserting “being
25 ordered to perform active service for a period of
26 more than 30 consecutive days”;

1 (C) in subparagraph (C), by striking “ac-
2 tive duty” each place it appears and inserting
3 “active service”; and

4 (D) in subparagraph (G)(ii)(II), by strik-
5 ing “active duty” and inserting “active service”;
6 and

7 (2) in subsection (n)—

8 (A) in the subsection heading, by striking
9 “ACTIVE DUTY” and inserting “ACTIVE SERV-
10 ICE”;

11 (B) in paragraph (1)—

12 (i) by striking subparagraph (C);

13 (ii) by redesignating subparagraphs
14 (A) and (B) as subparagraphs (B) and
15 (C), respectively;

16 (iii) by inserting before subparagraph
17 (B), as so redesignated, the following:

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

22 (iv) in subparagraph (B), as so redesi-
23 gnated, by striking “ordered to active duty
24 during a period of military conflict” and
25 inserting “ordered to perform active serv-

1 ice for a period of more than 30 consecu-
2 tive days”; and

3 (v) in subparagraph (D), by striking
4 “active duty” each place it appears and in-
5 serting “active service”; and

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

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

17 (c) SEMIANNUAL REPORT.—Not later than 180 days
18 after the date of enactment of this Act, and semiannually
19 thereafter, the President shall submit to the Committee
20 on Small Business and Entrepreneurship and the Com-
21 mittee on Appropriations of the Senate and the Committee
22 on Small Business and the Committee on Appropriations
23 of the House of Representatives a report on the number
24 of loans made under the Military Reservist Economic In-
25 jury Disaster Loan program and the dollar volume of

1 those loans. The report shall contain the subsidy rate of
2 the disaster loan program as authorized under section 7(b)
3 of the Small Business Act (15 U.S.C. 636(b)) with the
4 loans made under the Military Reservist Economic Injury
5 Disaster Loan program and without those loans included.

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

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

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

12 (2) by striking “(as defined in section
13 7(n)(1))”; and

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

15 “(2) DEFINITION OF PERIOD OF MILITARY CON-
16 FLICT.—In this subsection, the term ‘period of mili-
17 tary conflict’ means—

18 “(A) a period of war declared by the Con-
19 gress;

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

22 “(C) a period of a contingency operation,
23 as defined in section 101(a) of title 10, United
24 States Code.”.

