

117TH CONGRESS  
1ST SESSION

# H. R. 1035

To amend the Small Business Act to include certain beverage manufacturing entities for paycheck protection program second draw loans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2021

Ms. WEXTON (for herself, Mr. CROW, Ms. SALAZAR, Mr. ROUZER, and Mr. NEWHOUSE) introduced the following bill; which was referred to the Committee on Small Business

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## A BILL

To amend the Small Business Act to include certain beverage manufacturing entities for paycheck protection program second draw loans, 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 “Fairness for Craft Bev-  
5 erage Producers Act”.

1 **SEC. 2. INCLUSION OF CERTAIN BEVERAGE MANUFAC-**  
2 **TURING ENTITIES FOR PAYCHECK PROTEC-**  
3 **TION PROGRAM SECOND DRAW LOANS.**

4 (a) IN GENERAL.—Section 7(a)(37)(C)(iv) of the  
5 Small Business Act (as added by section 311 of the Eco-  
6 nomic Aid to Hard-Hit Small Businesses, Nonprofits, and  
7 Venues Act (Public Law 116–260)) is amended—

8 (1) in the heading, by striking “NAICS 72” and  
9 inserting “CERTAIN NAICS”; and

10 (2) by inserting “, or assigned such a code be-  
11 ginning with 3121 that also derived at least 35 per-  
12 cent of gross annual revenue during either calendar  
13 year 2019 or 2020 from in-person sales of prod-  
14 ucts,” after “72”.

15 (b) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—Sec-  
16 tion 1112(e)(1) of the CARES Act (as added by section  
17 325 of the Economic Aid to Hard-Hit Small Businesses,  
18 Nonprofits, and Venues Act (Public Law 116–260)) is  
19 amended—

20 (1) in subparagraph (A)(ii)(I)(bb), by inserting  
21 “, or assigned such a code beginning with 3121 that  
22 also derived at least 35 percent of gross annual rev-  
23 enue during either calendar year 2019 or 2020 from  
24 in-person sales of products” after “812”; and

25 (2) in subparagraph (B)(ii)(I)(bb), by inserting  
26 “, or assigned such a code beginning with 3121 that

1 also derived at least 35 percent of gross annual revenue during either calendar year 2019 or 2020 from  
2 in-person sales of products” after “812”.

3 (c) EFFECTIVE DATE; APPLICABILITY.—

4 (1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall  
5 be effective as if included in the Economic Aid to  
6 Hard-Hit Small Businesses, Nonprofits, and Venues  
7 Act (Public Law 116–260) and shall apply to any  
8 loan made pursuant to section 7(a)(37) of the Small  
9 Business Act or any covered loan made under section  
10 1112 of the CARES Act (15 U.S.C. 9011) before, on, or after the date of enactment of this Act,  
11 including forgiveness of such a loan.

12 (2) EXCLUSION OF LOANS ALREADY FORGIVEN.—The amendments made by subsection (a)  
13 shall not apply to a loan made pursuant to section  
14 7(a)(37) of the Small Business Act or any covered  
15 loan made under section 1112 of the CARES Act  
16 (15 U.S.C. 9011) for which the borrower received  
17 forgiveness before the date of enactment of this Act.

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