

S. 2

Making continuing appropriations during the government shutdown following
November 5, 2021.

IN THE SENATE

NOVEMBER 16th, 2021

Mr. STEWART of Frontier (for himself, on behalf of Ms. KYOUKO and the
PLURIBUS administration) introduced the following bill;

A BILL

Making continuing appropriations during the government shutdown following
November 5, 2021.

1 *Be it enacted by the Senate and House of Representatives of the*
2 *United States of America assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This act may be cited as the “Immediate Needed Compensation
5 Of Main Proper Entitlements To National Continued Expenditure Act,
6 2021”, the “INCOMPETENCE Act”, or the “November Continuing
7 Appropriations Act, 2021”.

8 **SECTION 2. STATEMENT OF APPROPRIATIONS.**

9 Such amounts as may be necessary are hereby appropriated, out
10 of any money in the Treasury not otherwise appropriated, and out of ap-
11 plicable revenues, receipts, and funds, for the several departments,
12 agencies, corporations, and other organizational units of Government for

fiscal year 2022, and for other purposes: *Provided*, That such sums are provided at a rate for operations as provided in the ‘October Consolidated Appropriations Act, 2021’ and under the authority and conditions provided in such Acts, for continuing projects or activities, including the costs of direct loans and loan guarantees, that were conducted in fiscal month of October 2021, beginning October 1, 2021, and ending November 5, 2021, except when otherwise provided for under this Act, and for which appropriations, funds, or other authority were made available in the ‘October Consolidated Appropriations Act, 2021’: *Provided further*, That such sums shall cease to be provided following the enactment into law of an appropriation for any project or activity provided for in this Act.

SECTION 3. ADJUSTMENTS.

(a) Amounts made available by section 2 for ‘Agricultural Credit Insurance Fund Program Account’ may be apportioned up to the rate for operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq: *Provided*, That such amounts do not increase total appropriations above those of projected total revenues.

(b) Amounts shall be available to the Department of Agriculture for ‘Rural Microentrepreneur Assistance Program’ for gross obligations for the principal amount of direct loans as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s): *Provided*, That such amounts are not to exceed \$25,000,000: *Provided further*, That such amounts do not increase total appropriations above those of projected total revenues.

(c) In carrying out the Special Supplemental Nutrition Program for Women, Infants, and Children, the Secretary of Agriculture shall

1 increase the amount of a cash-value voucher to an amount recommended
2 by the National Academies of Science, Engineering and Medicine and
3 adjusted for inflation for women and children participants: *Provided*,
4 That such amounts do not increase total appropriations above those of
5 projected total revenues.

6 (d) Amounts made available by section 2 to the Department of
7 Agriculture for ‘Special Supplemental Nutrition Program for Women,
8 Infants, and Children (WIC)’ shall be apportioned at the rate for opera-
9 tions necessary to accommodate the increase described in subsection (c).

10 **SECTION 4. TRANSFERS OF FUNDS.**

11 None of the funds provided by this Act, provided
12 by previous appropriations Acts that remain available for obligation or
13 expenditure or provided from any accounts in the Treasury of the United
14 States derived by the collection of fees available to the components
15 funded by this Act, shall be available for obligation or expenditure
16 through a reprogramming of funds that—

17 (1) creates or eliminates a program, project, or activity
18 without the explicit authorization of the Congress, or increases
19 funds for any program, project, or activity for which funds have
20 been denied or restricted by the Congress;

21 (2) contracts out any function or activity presently per-
22 formed by Federal employees or any new function or activity pro-
23 posed to be performed by Federal employees in the President’s
24 budget proposal for fiscal month October 2021;

25 (3) augments funding for existing programs, projects, or
26 activities, in excess of \$5,000,000 or 10 percent, whichever is less;

27 (4) reduces funding for any program, project, or activity, or
28 numbers of personnel, by 10 percent or more;

1 (5) results from any general savings from a reduction in
2 personnel that would result in a change in funding levels for pro-
3 grams, projects, or activities as approved by the Congress; or

4 (6) provides any appropriation or funds for any activity for
5 which appropriations were not made available during fiscal month
6 October 2021.

7 **SECTION 5. APPROPRIATE USE OF FUNDS.**

8 None of the funds appropriated by this Act may be used in any
9 way, directly or indirectly, to influence congressional action on any legis-
10 lation or appropriation matters pending before Congress, other than to
11 communicate to Members of Congress as described in 18 U.S.C. 1913.
12 Furthermore, whereas appropriations are such sums as may be neces-
13 sary, notwithstanding any other provision of law, no amounts made
14 available under such heading shall be made available for transfer to an-
15 other budget account.

16 **SECTION 6. OBLIGATION OF FUNDS.**

17 Amounts appropriated by this Act shall be available for obligation
18 and expenditure not later than 2 days after the date of enactment of this
19 Act.

20 **SECTION 7. COMPLIANCE WITH FEDERAL LAW.**

21 None of the funds made available in this Act may be used for any
22 program, project, or activity, when it is made known to the Federal en-
23 tity or official to which the funds are made available that the program,
24 project, or activity is not in compliance with any Federal law relating to
25 risk assessment, the protection of private property rights, or unfunded
26 mandates.

27 **SECTION 8. SEVERABILITY.**

28 Should any provision of this Act be deemed invalid or unconstitu-
29 tional for any reason in a court with relevant jurisdiction, the rest of the

1 Act, and the application of the remaining provisions, shall not be af-
2 fected.

3 **SECTION 9. EFFECTIVE DATE.**

4 The provisions of this Act shall come into force immediately upon
5 passage.