

FY2023 NDAA: Status of Legislative Activity

August 8, 2022

By law ([31 U.S.C. §1105\(a\)](#)), the President is to send the federal budget request to Congress by the first Monday in February. In practice, Presidents sometimes send it later. On March 28, 2022, President Joseph R. Biden submitted the [FY2023 budget request](#), including proposed funding for the Department of Defense (DOD), nuclear weapons programs of the Department of Energy, and other national defense-related activities. The National Defense Authorization Act (NDAA) typically sets policy and authorizes appropriations for the vast majority of these activities. This product provides the status of congressional activity on the National Defense Authorization Act for Fiscal Year 2023 (FY2023 NDAA; H.R. 7900; S. 4543).

On June 6-8, in preparation of subcommittee and full committee markups, the seven subcommittees of the House Armed Services Committee (or HASC) [released](#) draft legislative proposals (known as *marks*) for matters in the National Defense Authorization Act for Fiscal Year 2023 (NDAA) under their respective jurisdictions. On June 8-9, the HASC subcommittees [considered](#) and reported their marks to the full committee. On June 20, Representative Adam Smith, Chair of HASC, [released](#) his draft legislative proposals (i.e., *Chairman's mark*) for portions of the bill not in the subcommittee marks. On June 22, HASC began [considering](#) and marking up the legislation. On June 23, the committee [voted](#) 57-1 to order [H.R. 7900](#) reported to the House with an amendment in the nature of a substitute reflecting the product of the two-day markup. On July 1, the committee [filed](#) its report, H.Rept. 117-397, to accompany the legislation. On July 7, the committee filed [a supplemental report](#) that included the Congressional Budget Office's cost estimate for the bill. On July 12, the House Rules Committee [met](#) to report a structured rule for the House to consider H.R. 7900 and other legislation. On July 13-14, the House debated and considered [amendments](#) to H.R. 7900. On July 14, the House passed the measure, as amended, by a vote of 329-101.

Meanwhile, in the Senate, on June 13-14, the seven subcommittees of the Senate Armed Services Committee (SASC) marked up draft legislative proposals with recommendations for matters in the FY2023 NDAA under their respective jurisdictions. As in previous years, two of the markups were held in open sessions (Subcommittee on Readiness and Management Support, and Subcommittee on Personnel), and five were closed. On June 15-16, the full committee [considered](#) the legislation in a closed session. On June 16, Senators Jack Reed and Jim Inhofe, Chair and Ranking Member, respectively, of SASC, [announced](#) the committee voted 23-3 to order reported an original bill reflecting changes agreed to in markup. On July 18, SASC reported S. 4543 and [filed](#) the accompanying report [S.Rept. 117-130](#). The Senate has not considered S. 4543.

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Table 1 shows the status of legislative activity on the FY2023 NDAA.

Table 1. FY2023 NDAA: Status of Legislative Activity

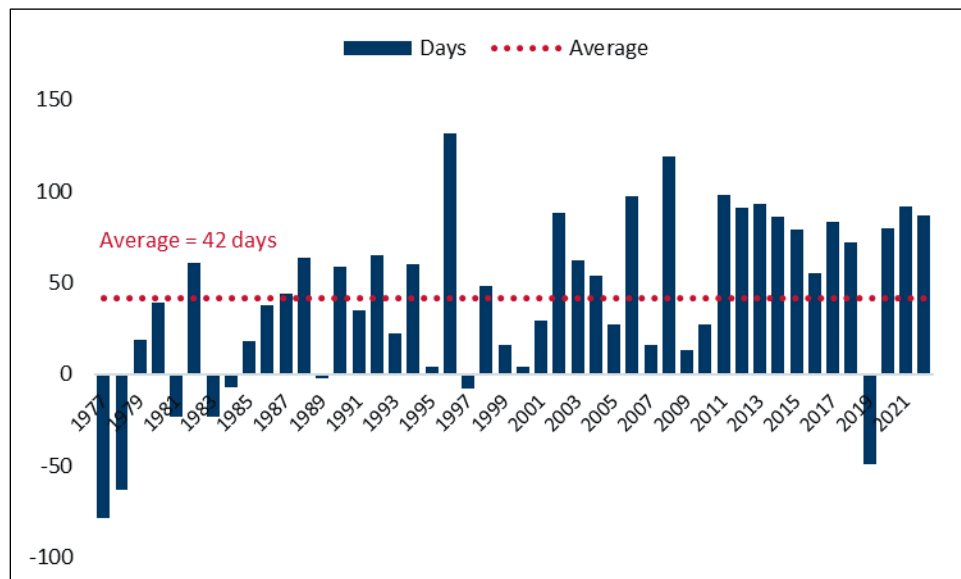
House			Senate			Public Law		
Bill #, Date Reported	Report #, Date	Vote # (yeas-nays), Date Passed	Resolving Differences	Bill #, Date Reported	Report #, Date	Vote # (yeas-nays), Date Passed	Resolving Differences	P.L. #, Date Signed
H.R. 7900, 7/1/22	H.Rept. 117- 397, 7/1/22	350 (329- 101), 7/14/22		S. 4543, 7/18/22	S.Rept. 117- 130, 7/18/22			

Source: CRS analysis of selected actions in Congress.gov.

Figure 1 shows the number of days between the start of the fiscal year and enactment of the annual defense authorization act since FY1977, when the federal government transitioned to a fiscal year beginning October 1, 1976. The FY2023 NDAA has not been enacted and is not shown in the figure.

Figure 1. Days Between Start of Fiscal Year and Enactment of Annual Defense Authorization Acts, FY1977-FY2022

(in days)



Source: CRS analysis of dates of enactment of public law from CRS Report 98-756, *Defense Authorization and Appropriations Bills: FY1961-FY2021*, by Barbara Salazar Torreon and Sofia Plagakis; and P.L. 117-81.

Note: Positive values indicate number of days between start of the fiscal year and enactment of annual defense authorization acts. Thus, the figure shows that since FY1977 annual defense authorization legislation has been enacted, on average, 42 days after the beginning of the fiscal year (i.e., early November). Negative values indicate number of days between enactment of annual defense authorization acts and start of fiscal year. Annual defense authorization legislation for the fiscal years 1979, 1989, 1996, 2008, 2016, and 2021 was enacted over a presidential veto. The FY2023 NDAA has not been enacted and is not shown in the figure.

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