



FY2024 Defense Appropriations: Status of Legislative Activity

September 7, 2023

Article I, Section 9, of the Constitution [states](#) that “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.” As a result, Congress must enact legislation to provide federal departments and agencies with funding to carry out their duties. In practice, Congress appropriates defense funding on an annual basis (with varying periods of availability, depending on the type of appropriation). When Congress and the President do not approve full-year appropriations for the U.S. Department of Defense (DOD) and other defense-related activities by the October 1 start of the government’s fiscal year, they may approve one or more [continuing resolutions](#) (CRs) to provide [temporary funding](#) for such activities, or allow appropriations to lapse resulting in a [shutdown](#) of affected activities.

The Department of Defense Appropriations Act is one of 12 annual appropriations measures under the jurisdiction of the House and Senate Committees on Appropriations. It is the largest single appropriations act in terms of [discretionary funding](#). Typically part of a two-step defense [authorization and appropriation process](#), the defense appropriations bill primarily funds DOD activities except for military construction and family housing programs (which are typically funded in the Military Construction, Veterans Affairs and Related Agencies Appropriations Act). The defense appropriations bill also funds certain activities of the [intelligence community](#).

By law ([31 U.S.C. §1105\(a\)](#)), the President is to submit the annual federal budget request to Congress by the first Monday in February, though, in practice, it is sometimes delayed. On March 9, 2023, President Joe Biden submitted initial documentation supporting the FY2024 budget request, including proposed funding for the DOD and other national defense-related activities. This product provides the status of congressional activity on proposed versions of a Department of Defense Appropriations Act, 2024 (H.R. 4365; S. 2587).

H.R. 4365

On February 28, 2023, the House Appropriations Committee (HAC) issued [Member Request Guidance](#) for submitting legislative proposals to fund programs, projects, and activities; adopting bill or report language directing or encouraging specific actions by agencies or officials; and funding local projects

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IN12237

(i.e., Community Project Funding). The document did not contain guidance for [Community Project Funding](#) in the defense appropriations bill.

Between February and April, the House Committee on Appropriations' Subcommittee on Defense (HAC-D) held six [open hearings](#) and seven [classified sessions](#) in part to review and receive testimony on the FY2024 President's budget request. Topics for the open sessions included Ukraine oversight, a Member Day for Members to share their defense priorities with the subcommittee, and budget hearings on the FY2024 requests for the DOD, Air Force and Space Force, Army, and Navy and Marine Corps.

On [June 14](#), the HAC released a [draft measure](#) and a [summary](#) of a Department of Defense Appropriations Act, 2024. On June 15, 2023, the HAC adopted draft FY2024 [subcommittee allocations](#), including for the HAC-D. That same day, the subcommittee held a [closed session](#) and approved by voice vote its version of the FY2024 defense appropriations bill. On June 22, HAC convened a full committee [hearing](#) to mark up the legislation and vote on [amendments](#), including [roll call votes](#) on certain amendments not contained in the subcommittee mark. The committee voted [34-24](#) to report the bill as amended to the House. On June 27, the HAC reported the bill and accompanying report to the House (H.R. 4365; H.Rept. 118-121). The report contained additional funding information (i.e., compared line-item level funding amounts in the President's budget request to committee recommendations), explained certain committee actions, and provided further guidance and directives to DOD. On August 22, the House Rules Committee issued an [announcement](#) for H.R. 4365 stating it "may meet the week of September 11" to develop a special rule to provide for floor consideration of the bill.

S. 2587

On February 24, 2023, the Senate Appropriations Committee (SAC) issued [Member Guidance](#) for submitting legislative proposals to fund agency programs, projects, and activities; adopting bill or report language directing or encouraging specific actions by agencies or officials; and funding local projects (i.e., Congressionally Directed Funding). The document stated the committee would [not accept](#) requests for Congressionally Directed Funding in the defense appropriations bill.

Between March and June, the committee's Subcommittee on Defense (SAC-D) held open and closed [hearings](#) to review and receive testimony on the FY2024 President's budget request for defense and intelligence activities. Open hearings during this period included reviews of the FY2024 budget request for the Navy and Marine Corps, Air Force and Space Force, Army, DOD, and National Guard and Reserve. Closed hearings during this period included similar reviews of the FY2024 budget request for hypersonic threats, missile defense, and the protection of the U.S. homeland; capacity of the defense industrial base and wartime stockpiles; space capabilities of the DOD and intelligence community; and the Central Intelligence Agency and National Security Agency. Earlier in the year, the SAC-D held oversight hearings on China's high-altitude surveillance efforts against the United States and the DOD Defense Health Program.

On June 22, the SAC reported its FY2024 subcommittee allocations, including for the Defense subcommittee (S.Rept. 118-45). (These allocations were subsequently revised, most recently on July 26; S.Rept. 118-78). On [July 27](#), the full committee [considered](#) the defense appropriations bill, adopted [amendments](#), and voted [27-1](#) to report the bill to the Senate. The same day, the SAC reported the bill and accompanying report (S. 2587; S.Rept. 118-81) to the Senate.

Table 1 shows the status of legislative activity on the proposed versions of a Department of Defense Appropriations Act, 2024.

Table I. FY2024 Defense Appropriations: Status of Legislative Activity

House				Senate				Public Law
Bill #, Date Reported	Report #, Date	Initial Consid.—Vote # (yeas-nays), Date Passed	Final Consid.	Bill #, Date Reported	Report #, Date	Initial Consid.—Vote # (yeas-nays), Date Passed	Final Consid.	P.L. #, Date Signed
H.R. 4365, 6/27/2023	H.Rept. 118-121 6/27/2023							
				S. 2587 7/27/2023	S.Rept. 118-81, 7/27/2023			

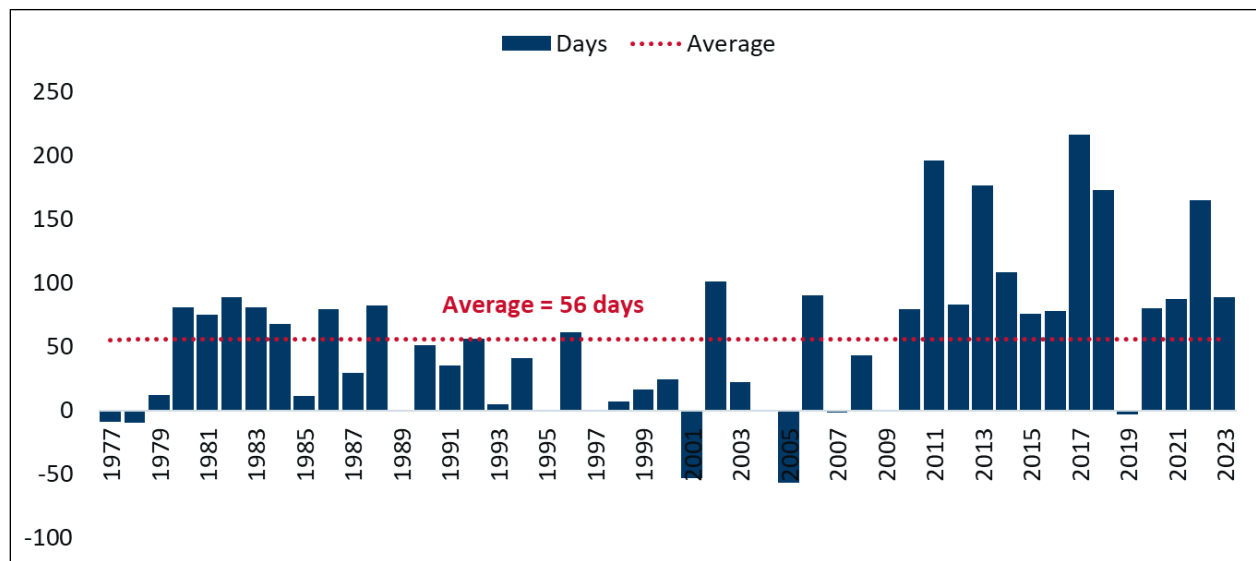
Source: CRS analysis of legislation on Congress.gov.

Note: Consid. is “consideration.”

Figure 1 shows the timing of the annual defense appropriations act since FY1977, when the federal government transitioned to a fiscal year beginning October 1, 1976. The figure shows that since FY1977 annual defense appropriations legislation has been enacted, on average, 56 days after the beginning of the fiscal year (i.e., late November).

Figure 1. Days between Start of Fiscal Year and Enactment of Annual Defense Appropriations Act, FY1977-FY2023

(in number of days)



Source: CRS figure based on data from CRS Report 98-756, *Defense Authorization and Appropriations Bills: FY1961-FY2021*, by Barbara Salazar Torreon and Sofia Plagakis; P.L. 117-103; and P.L. 117-328.

Notes: Positive values indicate number of days between start of the fiscal year and enactment of annual defense appropriations acts. Negative values indicate number of days between enactment of annual defense appropriations acts and start of fiscal year. The Department of Defense Appropriations Act, 2024, has not been enacted and is not shown in the figure.

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